

UPDATE INFORMATION SHEET

The Auditor's office is responsible for providing update pages to

Vols. I & II – Portland City Code

Updates will be available periodically throughout the year. This sheet will provide you with the current update information to assist you in keeping your book current.

**Retain this sheet. It will be replaced with each mailing.
Please contact us should you have any questions
503-823-4082.**

Update Packet Enclosed	September 30, 2010
Previous Update Packet	June 30, 2010

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 503-823-4082
3rd Quarter 2010 (September 2010)

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TITLE 2
LEGISLATION AND ELECTIONS

1. The Hearings Officer shall issue an order not later than three business days after a certification Matching Funds or penalty hearing.
2. In the case of a certification hearing, the Hearings Officer may uphold or revoke the certification.
3. In the case of a Matching Fund hearing, the Hearings Officer may uphold or revoke Matching Funds, or modify a Matching Funds decision by revoking some or all Matching Funds or granting additional Matching Funds.
4. In the case of a penalty hearing, the Hearings Officer may uphold, revoke or modify the penalty.
5. The order of the Hearings Officer is a final decision of the City.
6. Judicial review of an order made under this Section shall be as provided in Title 22.

F. Return of Funds and Payment of Cost of Hearing.

1. If the certification of a Candidate is revoked following a hearing under this Section, the Candidate shall return to the Auditor an amount of money equal to all revenues distributed to the Candidate from the Campaign Finance Fund after the date the Candidate was certified, plus interest on the total amount of revenues received at a rate of 12 percent per annum, in addition to the penalty and interest on the penalty.
2. If Matching Funds distributed under Section 2.10.150 are revoked, the Candidate shall return to the Auditor an amount of money equal to the amount of revoked Matching Funds distributed to the Candidate from the Campaign Finance Fund, plus interest on the total amount of Matching Funds received at a rate of 12 percent per annum.
3. If the Hearings Officer or a court finds that a request for a hearing under this Section was made frivolously or to cause delay or hardship, the Hearings Officer or the court may require the Person who filed the request for a hearing to pay costs of the Hearings Officer, court and opposing parties, and attorney fees of the opposing parties, if any.

2.10.240 Applicability of Chapter

(Added by Ordinance No. 183838, effective May 26, 2010.) Code Chapter 2.10 applies only to elections taking place on or before November 2, 2010. If the Council refers a Campaign Finance Fund code measure to the voters at the November 2, 2010 General

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Election, and voters approve that measure, this Code Chapter shall be replaced by the voter approved code on the effective date of the measure. Notwithstanding replacement of this Chapter, the Auditor may enforce violations of this Chapter that occurred prior to its replacement in accordance with the provisions of the new measure.

Chapter 2.12

REGULATION OF LOBBYING ENTITIES

(New Chapter added by Ordinance No. 179843,
effective April 1, 2006.)

Sections:

- 2.12.010 Purpose.
- 2.12.020 Definitions.
- 2.12.030 Registration for Lobbying Entities.
- 2.12.040 Quarterly Reporting Requirements for Lobbying Entities.
- 2.12.050 Exemptions to Registration and Reporting Requirements for Lobbying Entities.
- 2.12.060 Declaration Required by Lobbyists
- 2.12.070 Reporting Requirements for City Officials.
- 2.12.080 Prohibited Conduct.
- 2.12.090 Verification of Reports, Registrations and Statements.
- 2.12.100 Public Nature of Reports, Registrations and Statements.
- 2.12.110 Auditor to Prescribe Forms, Accept Voluntary Filings and Provide Public Access to Filed Information.
- 2.12.120 Penalties.
- 2.12.130 Severability.

2.12.010 Purpose.

The City finds that, to preserve the integrity of its decision making processes, lobbying entities that engage in efforts to influence City officials, should report their lobbying efforts to the public.

2.12.020 Definitions.

(Amended by Ordinance Nos. 180205, 180620, 180917, 181204, 182389, 182671 and 184046, effective September 10, 2010.) As used in this Chapter unless the context requires otherwise:

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- A.** “Calendar quarter” means one of the four three-month periods of January 1 to March 31, April 1 to June 30, July 1 to September 30 and October 1 to December 31.
- B.** “Calendar year” means the period of January 1 through December 31.
- C.** “City director” means the director or individual in charge of the following or its successors: the Bureau of Transportation, the Office of Management and Finance, the Office of Government Relations, the Office of Neighborhood Involvement, the Bureau of Planning and Sustainability, the Office of Cable Communications and Franchise Management, the Portland Office of Emergency Management, the Bureau of Emergency Communications, Portland Fire & Rescue, the Bureau of Police, the Bureau of Parks and Recreation, the Bureau of Environmental Services, the Portland Water Bureau, the Bureau of Development Services, the Bureau of Housing and Community Development, the Bureau of Revenue, and the Portland Development Commission.
- D.** “City official” means any City elected official; the at will staff of a City elected official; any City director as defined in this section; or appointee to the Portland Development Commission, the Planning and Sustainability Commission, the Design Commission, and the Fire and Police Disability and Retirement Board.
- E.** “Consideration” includes a gift, payment, distribution, loan, advance or deposit of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.
- F.** “Official action” means introduction, sponsorship, testimony, debate, voting or any other official action on any ordinance, measure, resolution, amendment, nomination, appointment, or report, or any matter, including administrative action, that may be the subject of action by the City.
- G.** “Lobby” or “Lobbying” or “Lobbies” means attempting to influence the official action of City officials. Lobbying includes time spent preparing emails and letters and preparing for oral communication with a City official. Lobbying does not include:

 - 1.** Time spent by an individual representing his or her own opinion to a City official.
 - 2.** Time spent participating in a board, committee, working group, or commission created by City Council through approval of resolution or ordinance.

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3. Time spent by a City official or City employee acting in their official capacity as an official for the City.
 4. Time spent submitting a bid, responding to related information requests, and negotiating terms on a competitively bid contract or intergovernmental agreement.
 5. Oral or written communication made by a representative of a labor organization that is certified or recognized, pursuant to ORS 243.650 et seq., as the exclusive bargaining representative of employees of the City of Portland, to the extent that such communications do not deal with actual or potential ordinances that are unrelated to the collective bargaining process, or implementation or application of any collective bargaining agreement provision.
 6. Formal appearances to give testimony before public hearings or meetings of City Council.
 7. Work performed by a contractor or grantee pursuant to a contract with or grant from the City.
 8. Time spent by any person holding elected public office, or their specifically authorized representative, acting in their official capacity.
- H.** “Lobbying entity” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group who lobbies either by employing or otherwise authorizing a lobbyist to lobby on that person’s behalf.
- I.** “Lobbyist” means any individual who is authorized to lobby on behalf of a lobbying entity.
- J.** “Person” means any individual, business association, corporation, partnership, association, club, company, business trust, organization or other group.
- K.** “Gift” means something of economic value given to a City official without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not City officials on the same terms and conditions; and something of economic value given to a City official for valuable consideration less than that required from others who are not City officials. However, “gift” does not mean:
1. Campaign contributions, as described in ORS Chapter 260.

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3.02.037 Time Certain Agenda.

(Amended by Ordinance Nos. 177787 and 184046, effective September 10, 2010.)

- A.** Any Council member, the City Auditor, City Attorney, City Purchasing Agent, Hearings Officer, City Planning and Sustainability Commission, and any other City appointed board or commission filing an item with the City Auditor for City Council consideration may designate the item as “time certain.”
- B.** A request for time certain designation shall be made in writing to the City Auditor at least 4 days prior to the filing deadline for the regular Council agenda items; or by verbal request by the City Council or member thereof at any time prior to City Council action on a particular item. The request shall include an estimate of time to be devoted to the particular item.
- C.** The City Auditor shall schedule the item for hearing before the City Council and inform the office requesting the time certain designation.
- D.** The Council Agenda shall clearly distinguish time certain items from all other items.

3.02.040 Rules of the Council.

(Amended by Ordinance Nos. 162784, 165402, 166075, 166314, 170834, 177787, 178617, 180371 and 182515, effective February 4, 2009.)

- A.** Suspension and Repeal of Rules - Robert’s Rules of Order.
 - 1.** These rules are a combination of some provisions from the City of Portland Charter and of the Council Rules. These rules are adopted pursuant to Charter Section 2-111.
 - 2.** Non Charter provisions adopted under this section may be suspended or repealed as provided by Section 3.02.040 I.8. The Charter provision may not be suspended or repealed except by a vote of the people.
 - 3.** “Robert’s Rules of Order Newly Revised” shall be considered authority in deciding any questions arising on points of order not covered by these rules.
- B.** Quorum Requirement.
 - 1.** Three members of the Council shall constitute a quorum. A quorum shall be required to conduct official City business except that less than a quorum may:

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- a.** Adjourn or recess the meeting; and
 - b.** Compel the attendance of the other members.
 - 2.** In the event a quorum is not present, the members present shall adjourn to some fixed time.
 - 3.** The City Auditor is authorized to indicate for the record when a Council meeting has been cancelled for lack of a quorum, and at that time shall identify for the record the date and time when any items scheduled for the cancelled agenda shall be considered. Notice of the rescheduled date and time shall be placed on the Council Chamber door.
- C.** Presiding Officer.
 - 1.** The Mayor shall preside over all meetings, except in the Mayor's absence the President of the Council shall preside.
 - 2.** When a quorum is present, but the Mayor and President of the Council are absent, the following procedures shall be used:
 - a.** The member present who most recently served as President of the Council shall serve as President pro tempore; or,
 - b.** The duties of President pro tempore shall be assumed by the Council member holding the position with the lowest number if no member present has served formerly as President of the Council.
- D.** Council Agenda.
 - 1.** Ordinances, resolutions and reports shall be introduced by the Council, a committee of the Council, a member of the Council or the City Auditor.
 - 2.** A matter placed on the Four-Fifths agenda shall be approved for placement on the agenda by at least four Council members each of whom will be present when the matter is considered.
 - 3.** Time certain items shall be placed on the agenda as provided by Section 3.02.037 and shall be considered as close to the designated time as possible.
 - 4.** Items on the regular agenda shall be considered in the numerical order listed except the order of the agenda may be changed by a majority vote of the Council.

are on duty, and shall see that the City ordinances and rules, orders and regulations for the government of the police force are observed and enforced. He/she shall have power to recommend for suspension to the Commissioner In Charge any subordinate officer, member or employee for a violation of the same as prescribed by the Civil Service rules.

3.20.070 Fees to Be Paid over to Treasurer.

The Chief of Police or any other officer of the police force, when acting under or enforcing any law or statute other than a City ordinance, may collect and receive the same fees and compensation as are allowed to a constable for like services, and if collected he shall pay the same over to the City Treasurer, as provided in the case of fees which may be received by the municipal judge; but no fees shall be taxed against Multnomah County for services rendered by either Chief of Police or municipal judge.

3.20.080 Policemen Receiving Gifts and Employing Attorneys -Penalty for Violation.

No member of the police force shall for his own benefit, under any pretense whatever, receive or share in any present, fee, gift or emolument for public service other than the regular salary and pay, except by the consent of the Council and Chief of Police, publicly given. Nor shall any member share in or receive any gift, fee, or reward from any person who may become bail for any arrested, accused, or convicted person who may become surety for any such, on appeal from or review of the judgment or decision of any court or magistrate, or any fee, gift, or reward in any case from an attorney at law who may prosecute or defend any person arrested or prosecuted for any offense in Multnomah County. Nor shall any member, directly or indirectly, interest himself or interfere in any manner whatever in the employment of any attorney to aid in the defense of any person arrested or accused. For any violation of either of the foregoing provisions the person so offending shall be immediately removed from the police force.

Upon complaint of any person alleging a violation of this Section the Council shall summon the officer accused before it and shall hold a summary hearing with power to subpoena witnesses and to compel the production of all necessary evidence. If it finds that a violation of this Section has been committed by such officer he shall immediately be dismissed from the force and shall be ineligible for reappointment.

3.20.110 Duties of Police Force.

The police force of the City shall at all times of the day and night within the boundaries of the City preserve the public peace, prevent crime, arrest offenders, protect rights of persons and property, guard the public health, preserve order, remove nuisances existing in streets, roads, public places, and highways, report all leaks and other defects in water pipes and sewers, and street lights not burning to the proper authorities, provide a proper force at every fire in order that thereby the firemen and property may be protected, protect strangers and travelers at the steamboat and ship landings and railroad stations, and generally obey and enforce all ordinances of the City Council and criminal laws of the State and of the United States.

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3.20.120 Council in Emergency to Appoint Temporary Policemen.

The Council in case of any mob, riot, pestilence, or on days of public demonstration may appoint such temporary policemen as it may deem necessary, who shall have all the powers and perform all the duties of regular policemen. Such appointments shall not continue beyond the emergency.

3.20.130 Record of Daily Arrests.

The Bureau of Police shall keep a daily arrest docket and a municipal court transcript in substantially the following form:

(See Figure 1 at end of Title 3)

The arrest docket may be printed in any size as may be determined by the Chief of Police and shall be a part of the original record of the Bureau of Police and shall be preserved and kept in the custody of the Bureau of Police.

3.20.140 Police Review Board.

(Replaced by Ordinance No. 183657; amended by Ordinance No. 183995, effective August 13, 2010.)

- A.** Purpose. The Police Review Board (“Board”) is an advisory body to the Chief of Police (“Chief”). The Review Board will make recommendations as to findings and proposed officer discipline to the Chief of Police.
- B.** Powers of the Board:
 - 1.** Review incidents and investigations. The Board shall review incidents and investigated complaints of alleged misconduct by non-probationary sworn officers (“officers”) who are employed by the Portland Police Bureau (“Bureau”) in the following cases:
 - a.** The supervising Assistant Chief, the Director of the Independent Police Review Division of the Auditor (“IPR”) or the Captain of the Internal Affairs Division of the Bureau (“IAD”) controverts the findings or proposed discipline of the Reporting Unit (“RU”) manager pursuant to Code Section 3.21.120.
 - b.** Investigations resulting in a recommended sustained finding and the proposed discipline is suspension without pay or greater.
 - c.** The following incidents involving use of force:
 - (1)** All officer involved shootings.

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- (2) Physical injury caused by an officer that requires hospitalization.
 - (3) All in custody deaths.
 - (4) Less lethal incidents where the recommended finding is “out of policy”.
 - d. All investigations regarding alleged violations of Human Resources Administrative Rules regarding complaints of discrimination resulting in a recommended sustained finding.
 - e. Discretionary cases referred by the Chief, Branch Chief, or the IPR Director.
- 2. Probationary sworn officers. The Board shall review incidents and investigated complaints of alleged misconduct by Portland Police Bureau probationary officers when referred by the Chief, Branch Chief or the IPR Director. However, nothing in this section prohibits the Bureau from terminating the employment of a probationary officer without following the procedures of this section.
- 3. Recommendations to Chief. The Board shall make recommendations to the Chief regarding findings and discipline. The Board may make recommendations regarding the adequacy and completeness of an investigation. The Board may also make policy or training recommendations to the Chief.
- 4. On September 1, 2010, the Board shall replace the Use of Force and Performance Review Boards set forth in the Bureau’s 2009 Manual of Policy and Procedure. Before September 1, 2010, the Use of Force and Performance Review Board shall review incidents and investigated cases pursuant to the existing Bureau directives.

C. Composition of Board

- 1. The Board shall be composed of five voting members and eight advisory members. All Board members will be advised of every case presented to the Board. A quorum of four Voting Members, including the Citizen member and the RU Manager or designee, and four Advisory members is required to be present to make recommendations to the Chief.
 - a. Voting members

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- (1)** One citizen member from a pool of citizen volunteers recommended by the Auditor and confirmed by the City Council.
 - (a)** Citizens shall be appointed for a term of no more than three years. Citizens may serve two full terms plus the remainder of any unexpired vacancy they may be appointed to fill.
 - (i)** The Bureau and IPR shall develop a Bureau Directive setting the criteria for Citizen selection to be approved by City Council.
 - (b)** The Auditor and the Chief shall have the authority to recommend to City Council the removal of citizen members from the pool.
 - (i)** The Bureau and IPR shall develop a Bureau Directive setting the criteria for removal to be approved by City Council.
- (2)** One peer member of the same rank/classification as the involved officer; peer member will be selected from a pool of Bureau representatives pre-approved by the Chief.
- (3)** The Assistant Branch Chief who is the supervisor of the involved officer.
- (4)** The Director of IPR (or designee).
- (5)** A Commander or Captain who is the supervisor of the involved officer (RU Manager).

b. Advisory members

- (1)** The Office of Accountability and Professional Standards manager.
- (2)** Representative from Bureau of Human Resources.
- (3)** Representative from City Attorney's Office.
- (4)** The Internal Affairs Division Manager.

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- (5) Review Board Coordinator.
 - (6) Representative of Commissioner in Charge of the Bureau (“Commissioner in Charge”).
 - (7) Representative of the Training Division.
 - (8) The Assistant Chief(s) that are not the supervisor of the involved member.
 - c. Representatives/Individuals that may also be present during the presentation of the case include:
 - (1) Bargaining Units
 - (2) Involved Member
 - 2. However, when the incident to be reviewed by the board involves the following use of force incidents, one additional citizen member and one additional peer member shall serve on the Board, for a total of seven voting members. A quorum of six voting members, including two citizen members, and the RU manager or designee, and four Advisory members is required to be present to make recommendations to the Chief.
 - a. All officer involved shootings.
 - b. Physical injury caused by an officer that requires hospitalization.
 - c. All in custody deaths.
 - d. Less lethal incidents where the recommended finding is “out of policy”.
- D. Access to information
 - 1. All members of the Board shall have access to necessary and relevant documents and an equal opportunity to participate in Board deliberations.
 - a. The Bureau and IPR shall develop a Bureau Directive establishing confidentiality provisions and distribution timeline provisions of Board materials.

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2. The RU manager or designee will provide a written recommendation of the findings, reasoning for the recommendation and disposition recommendation.

E. Board Facilitator

1. The Board shall be facilitated by a person who is not employed by the Bureau and who is not a member of the Board.
 - a. The Bureau and IPR shall develop a Bureau Directive establishing selection criteria and confidentiality provisions for the Facilitator(s).
 - b. The voting members of the Board shall schedule a meeting to recommend a pool of facilitators based the Bureau Directive for approval of the Commissioner in Charge in accordance with City contract rules.
2. The Board facilitator shall write the statement of recommended findings and discipline and a summary of any training and/or investigation issues or concerns on behalf of the Board and submit the statement to the Chief within two weeks of the Board meeting date.

F. Board Recommendations

1. The Board shall prepare a statement of its recommended findings and proposed discipline, if any, in every case for submission to the Chief. Such statement shall include:
 - a. The Board's recommended findings and a brief explanation of the Board's rationale for its recommendation, and a record of the Board's vote.
 - b. In the event that the Board is not unanimous, the statement shall contain a portion detailing the minority's recommendation.
2. The Board facilitator shall write the Board's statement of recommended findings and proposed discipline and a summary of any policy training and/or investigation issues or concerns on behalf of the Board and submit the statement to the Chief.
 - a. IPR and the Bureau will develop a Bureau Directive setting forth the timeliness provisions of the statement.

G. Appeal of Board Recommendation.

1. As provided in Code Chapter 3.21, once the Board has prepared a statement of proposed findings relating to complaints of alleged misconduct of an officer during an encounter involving a citizen, the complainant or involved officer may have the opportunity to appeal the recommended findings to the IPR Citizen Review Committee.
2. Until the appeal period allowed by Code Chapter 3.21 has expired, and if an appeal is filed, until there is a final decision by the IPR Citizen Review Committee or Council, the Chief may not issue proposed discipline or make recommendations to the Commissioner in Charge.
3. The Director of IPR, the Chief of Police, or Commissioner in Charge may request an expedited hearing by the IPR Citizen Review Committee of an appeal when deemed necessary due to the nature of the underlying complaint.

H. Action by Chief of Police and Commissioner in Charge. After receiving the Board's statement described above and after the appeal period allowed by Code Chapter 3.21 has expired, or if an appeal is filed, after the Chief receives the IPR Citizen Review Committee or the Council's recommendation in accordance with Code Chapter 3.21:

1. In the following cases, the Chief shall make a recommendation regarding the appropriate findings and level of discipline to the Commissioner in Charge:
 - a. Investigations resulting in a sustained finding and the proposed discipline is suspension without pay or greater.
 - b. The following incidents involving use of force:
 - (1) All officer involved shootings.
 - (2) Physical injury caused by an officer that requires hospitalization.
 - (3) All in custody deaths.
 - (4) Less lethal incidents where the recommended finding "out of policy".

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2. In the cases described in Subsection 1 above, the Commissioner in Charge shall make the final decision on findings and discipline, consistent with obligations under state and federal law, Portland City Charter and collective bargaining agreements.
 3. In all other cases, unless the Commissioner in Charge exercises authority over the case, the Chief shall make the final decision on proposed findings and discipline, consistent with obligations under state and federal law, Portland City Charter and collective bargaining agreements.
- I. Public reports. As often as deemed necessary by the Board, but at least twice each calendar year, the Board shall publish public reports summarizing its statements of findings and a summary of any training and/or investigation issues or concerns. The reports shall keep confidential and not include involved officers' names, the names of witnesses, or the name of any complainants. The reports shall be written by the Board facilitator. The reports may not be released before a final decision, including discipline if any, is made by the Chief or Commissioner in Charge.

3.20.150 Fingerprints, Photographs and Records of Identification.

The Chief of Police shall maintain at police headquarters suitable means and appliances for taking and preserving fingerprints, photographs, and descriptions of persons. He shall take or cause to be taken, recorded, and preserved one or more fingerprints and photographs, and a description of each person arrested and booked for the commission of a felony. Of each person arrested and booked for the commission of a misdemeanor or violation of a penal ordinance or Charter provision, he may, but is not required to, take and preserve one or more fingerprints, photographs, and a description. Such prints, photographs, and description shall be made a matter of permanent record when evidence showing previous conviction or convictions of any crime, misdemeanor, or violation of a penal ordinance or Charter provision shall have been obtained.

3.20.160 Police Chief to Make Rules and Regulations.

The Chief of Police shall have authority, subject to the approval of the Commissioner In Charge, to issue such administrative rules and regulations in addition to those embodied in the Charter and this Code, as are necessary to govern the conduct of the members of the Bureau of Police, and to provide for the adequate functioning of the Bureau.

3.20.170 Uniforms.

The following rules shall apply to uniforms for employees appointed to the Bureau of Police who are members of the Fire and Police Disability and Retirement System:

- A. The Chief of Police shall, subject to the approval of the Commissioner In Charge, prescribe specifications for police uniforms and establish rules, regulations and conditions of wearing thereof;

- B.** Upon report from the Commissioner In Charge of the Bureau of Police, the Council shall designate which items of the uniform specified by the Chief of Police under subdivision (1) above shall be furnished by the City to those employees required to wear the prescribed uniform in performance of their normal and usual police duties. Each new employee shall be furnished a complete set of designated items of uniform. All other employees shall be furnished designated items of uniform on the basis of replacement when needed as determined by the Chief of Police. Items furnished by the City shall remain property of the City; and the Chief of Police shall establish rules, regulations, and conditions for issuance and control thereof;
- C.** The Chief of Police shall have the authority to designate duty assignments which require dress other than the prescribed uniform. For such designated duty, no items of uniform shall be furnished, and those employees affected shall receive an annual cash clothing allowance in lieu of items of uniform furnished by the City. Clothing allowances shall be paid in accordance with Section 5.08.070.

3.20.180 Appointment and Removal of Police Reserves.

(Amended by Ordinance No. 143623, effective June 13, 1977.) The Chief of Police is authorized, subject to the approval of the Commissioner In Charge, to appoint new members to the police reserve from time to time as need therefore arises and to accept the resignations and discontinue appointments from time to time in accordance with his judgment concerning the public welfare and safety subject to the approval of the Commissioner In Charge; provided that the total number of such reserves at any time shall not exceed 200.

- A.** Within the ranks of the police reserve the Chief of Police shall designate which members of the reserve shall serve as a special duty reserve unit. Members of the special duty reserve unit shall assist the Bureau in performing Sunshine Division, charitable, search and rescue and other non-law enforcement related functions.

3.20.190 Application, Oath of Office, Compensation and Equipment of Police Reserves.

(Amended by Ordinance Nos. 143623 and 164223, effective May 29, 1991.) Each new member of the police reserve shall make an application on a blank form provided by the Chief of Police, giving such data concerning his age, weight, identification, residence, occupation, previous experience in police work, if any, citizenship, and other data as the Chief of Police may find necessary or convenient, including fingerprinting for better identification. Members of such police reserve shall be entitled to no compensation unless specifically authorized and provided by the Council. Upon appointment each member shall take an oath of office similar to the oath required of regular members of the Bureau of Police, and such oath shall be filed with the City Auditor. Regular members of the reserve shall serve during the pleasure of the Chief and shall wear a uniform

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prescribed by the Chief of Police. They shall perform the duties and take training as directed by the Chief of Police. They shall observe the rules of deportment and conduct applicable to regular police officers. They shall, in the performance of their duties, be subject to the orders of commanding officers of the regular and reserve police force of the City. They shall, at all times, cooperate with regular police officers in the performance of their duties. While on any authorized assignment they shall be covered by the City's self-insurance as authorized under the provisions of the Oregon State Workers' Compensation Act. The insurance shall be in a form approved by the City Attorney. It is unlawful for any person whose appointment has been terminated, to retain possession or refuse to return any badge, identification or equipment issued to such person after demand for the return has been made by the Mayor, Chief of Police or anyone acting under and by the authority of the Mayor or Chief of Police. Members of the special duty police reserve shall be subject to police duty only when special occasion therefor arises. Each member shall provide his own equipment, subject to the approval of the Chief of Police, and shall make such reports as the Chief of Police may require.

3.20.200 Membership Card and Star of Police Reserves.

The Chief of Police is authorized to furnish each member of the police reserve with a membership card signed by the Chief of Police and signed by the member for identification purposes, and shall also furnish each member with a police star.

3.20.210 Police Reserves Exempt from Civil Service.

No member of the police reserve shall be regarded as a City employee or subject to civil service regulations.

3.20.230 Medical Examinations.

(Amended by Ordinance No. 134934, effective July 20, 1972.) Whenever the Chief of Police is in doubt concerning the physical or mental ability of a member of the Bureau of Police to perform full police duties, the Chief shall require that member, upon written notice, to submit to a medical examination. The examination shall be conducted without expense to the member. Unexcused failure to take an examination required by this Section, after reasonable notice, shall be cause for the member's dismissal.

3.20.240 Membership.

(Amended by Ordinance No. 136679, effective July 1, 1973.) The Bureau of Police shall consist of: a Chief of Police and all other full time members of the regular police force, and shall include all members of the women's protective division, and police matrons; and all such members shall be classed and considered as regular members of the Bureau of Police. All members of the Women's Protective Division, and all police matrons, are hereby required to comply with the rules and regulations of the Civil Service Board respecting physical examinations. The present police matrons shall (if they have not already done so) take and file with the City Auditor the oath of office required of members of the Bureau of Police, before they shall have full status as such members.

3.20.250 Badges.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.260 Block Home Applicants, Background Investigation Required.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.270 Maintenance of Property Room.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.280 Receipts for Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.290 Records.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.300 Prisoner's Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.310 Evidence Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.320 Miscellaneous Property and Storage Charges.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.330 Storage Charge on Prisoner's Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.340 Storage Charge on Evidence Property.

(Repealed by Ordinance No. 175944, effective September 26, 2001.)

3.20.350 Lien and Foreclosure.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.360 Fees for Report on Police Records.

(Amended by Ordinance No. 153909, effective Nov. 22, 1982.) The Bureau of Police shall establish a schedule of fees and procedures for obtaining copies of reports, searching arrest records, accident photographs, fingerprinting, and all similar records services it performs. Except upon court subpoena, reasonable limitations may be placed upon the amount of information made available, the use for which it may be requested, and the persons entitled to receive it. The schedule of fees and procedures established under this Section shall not be effective until approved by the Commissioner In Charge of the Bureau of Police. No fee shall be charged to those agencies (or their representatives) who request such services for official use and who have as a primary organizational

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responsibility the apprehension, prosecution, or the direct supervision of the parole or probation, of criminal offenders.

3.20.370 Accountability and Disposition of Fees.

(Amended Ordinance No. 153909, effective Nov. 22, 1982.) The Chief of the Bureau of Police shall ensure that a full and complete record of all fees collected under that authority of this Chapter is kept and that all fees so collected are remitted to the City Treasurer as provided by Section 3.08.140. The City Treasurer shall credit the amounts so received to the General Fund.

3.20.380 Conveyances Seized for Drug Transport.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.20.390 Multnomah County Deputy Sheriffs Authorized the Arrest or Cite for Violations of City Code Provisions.

(Repealed by Ordinance No. 176585, effective July 5, 2002.)

3.30.020 Responsibility for the Development Services Center and Development Review.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A.** The Bureau of Development Services shall be responsible for the operation and management of the City's Development Services Center.
- B.** The Bureau of Development Services has management responsibility for assigned personnel through direct assignment or through interagency agreements, and manages the daily operation of the Center.

3.30.030 Development Review Advisory Committee.

(Amended by Ordinance Nos. 176955, 178954 and 184046, effective September 10, 2010.)

- A. Purpose.** The Development Review Advisory Committee is a citizen advisory body, representing those with interests in the outcome of policies, budgets, regulations, and procedures that affect development review processes. The purpose of the Committee is to foster a timely, predictable and accountable development review process that implements the City's goals for land use, transportation, housing, economic development, neighborhood livability and the environment. The Committee advocates for and supports consistent and fair application and implementation of regulations. The Committee provides public input into the development review process by:
 - 1.** Providing leadership and expertise on issues affecting development;
 - 2.** Providing feedback to Bureaus, Review Bodies, and City Council on the impact of potential regulations and administrative rules on the development review process, taking into consideration the full range of City goals and objectives;
 - 3.** Providing recommendations for regulatory, code, and administrative rule changes affecting the development review process;
 - 4.** Monitoring the application and enforcement of regulations for their effectiveness in achieving the City's development goals;
 - 5.** Recommending customer service, permitting, process, and compliance improvements to Bureaus, Review Bodies, and/or City Council;
 - 6.** Serving as an advisory board to Development Review Directors and Bureaus on development review processes and procedures;

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7. Providing input to ensure budgets of development review agencies are adequate to meet service goals and desired system outcomes.

B. Membership. The Development Review Advisory Committee shall consist of sixteen members. The members shall be appointed by the Commissioner-in-Charge of the Bureau of Development Services and confirmed by the City Council. The members shall be selected to provide representation of those persons concerned about planning, design and development. The areas of interest of members shall include, but not be limited to, development, planning, construction contracting, design professions, neighborhood association membership, business association membership, historic preservation, environmental organizations, and institutional properties. Members shall be appointed so that the Committee consists of one member from organizations representing each of the following groups, or if organizations do not exist, an individual advocate for the representative group will be appointed:

1. Advocate for Individual customers
2. Citywide neighborhood interests
3. Design professionals
4. Environmental conservation
5. Historic preservation
6. Home builders
7. Home remodelers
8. Land use planning professions
9. Large business
10. Large construction contractors
11. Low-income housing developers
12. Major facilities landowners
13. Minority construction contractors
14. Neighborhood Associations

- 15. Neighborhood businesses
- 16. Planning and Sustainability Commission, as designated by the Planning and Sustainability Commission President, and serves as an ex officio member of the Committee.

C. Appointments and Terms. Appointment to the Development Review Advisory Committee shall be for a three-year term. If a position is vacated during a term, it shall be filled for the unexpired term. Members of the Development Review Advisory Committee shall serve no more than two, complete three-year terms.

D. Meetings, Officers, and Subcommittees.

- 1. The Development Review Advisory Committee shall meet at least five times yearly and as otherwise necessary to conduct its business. Meetings shall be conducted in accordance with adopted rules of procedure. Seven members shall constitute a quorum. A quorum shall be necessary to make decisions that represent the position of the Development Review Advisory Committee and to conduct any other Committee responsibilities. The election of officers shall take place at the first meeting of each calendar year.
- 2. The officers of the Committee shall consist of a Chairperson and a Vice-chairperson. The chairperson shall be responsible for conducting the meetings of the committee. The vice chairperson shall act as chair when the chairperson is not available.
- 3. The Development Review Advisory Committee may divide its members into subcommittees which are authorized to act on behalf of the committee for an assigned purpose. Subcommittee actions require the affirmative vote of at least three members.

E. Attendance. Members of the Development Review Advisory Committee are expected to attend each meeting of the committee. The Commissioner-in-Charge may replace any member who accrues unexcused absences from three or more consecutive meetings or more than 50 percent of the meetings in any year.

F. Compensation. Development Review Advisory Committee members shall serve without compensation.

3.30.040 Establishment of Enforcement Priorities and Remedies.

(Amended by Ordinance Nos. 175327, 176955 and 183793, effective May 19, 2010.) In order to carry out the duties as set forth in Section 3.30.010, the Director of the Bureau of

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Development Services may:

- A.** Adopt written policies and procedures for the enforcement of applicable Code provisions and laws. Establish enforcement fees or penalties for non-compliance. Establish enforcement priorities based on the number of budgeted enforcement personnel, public safety and welfare factors, and any priorities established by City Council.
- B.** Gain compliance by:
 - 1.** Instituting an action before the Code Hearings Officer in the manner provided for by Title 22 of this Code; or
 - 2.** Causing appropriate action to be instituted in a court of competent jurisdiction; or
 - 3.** Issuing a code violation citation directly to the contractor or person responsible for carrying out the work. Any person receiving a citation for violating the provisions of the City Code administered by the Bureau of Development Services shall be subject to a fine of up to \$1,000 for each citation issued.
 - 4.** Taking other lawful action.
 - 5.** Revoking a Type B home occupation permit for failure to comply with the regulations of City Code Chapter 33.203 by using the following procedures:
 - a.** If the Director determines that cause for revocation of a permit exists, the Director shall provide written notice thereof to the permittee. The notice shall contain a brief description of the facts supporting the revocation, the date the revocation shall become final and a notice of the permittee's right to appeal the revocation.
 - b.** The notice shall be mailed by certified mail, return receipt requested, and regular mail to the permittee. The notice shall be effective upon three days after mailing.
 - c.** The revocation shall become final and effective ten days after the notice is effective, unless an appeal is filed.
 - d.** Any permittee whose permit has been revoked may appeal the revocation to the Code Hearings Officer pursuant to the provisions of City Code Chapter 22.10. The filing of an appeal shall stay the effective date of the revocation until the appeal is determined in a

final decision by the Code Hearings Officer.

- C.** Impose fees or penalties for non-compliance, provide notification, and allow for appeals by:
- 1.** Initiating the notification procedures provided in Section 29.60.050.
 - 2.** Imposing monthly enforcement fees or penalties for each property that meets the following conditions:
 - a.** The property is the subject of a notice of violation by the Bureau of Development Services; and
 - b.** A response period of 30 days has passed since the effective date of the initial notice of violation; and
 - c.** The property remains out of compliance with the initial notice of violation or any subsequent notice of violation.
 - 3.** Doubling the penalties if the violations are not corrected within three months from the initial notice of violation.
 - 4.** Imposing an additional penalty as set forth in the Enforcement Fee and Penalty Schedule against any property for which a code enforcement proceeding is initiated before the Code Hearings Officer pursuant to the provisions of Title 22 of this Code.
 - 5.** All required fees or penalties are listed in the Enforcement Fee and Penalty Schedule adopted by City Council. Fees or penalties may be updated annually or on an as needed basis. The approved Enforcement Fee and Penalty Schedule will be available at the Bureau of Development Services Center and on the bureau's Web site.
 - 6.** Providing for administrative procedures as set forth in Subsections 29.70.010 C. through E.
 - 7.** Providing for administrative review and the opportunity for appeal to the Code Hearings Officer as set forth in Section 29.80.010.
 - 8.** Allowing exceptions as provided in Section 29.60.100.

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3.30.050 Special Jurisdiction.

(Amended by Ordinance Nos. 176585, 176955 and 182456, effective December 24, 2008). The Bureau of Development Services shall have authority to enforce Section 14A.20.070, and Subsections 16.10.200 L., 16.20.120 H., and 16.20.130 I., 16.20.160 and Sections 16.20.170, 16.70.450 and 16.70.800. The Bureau shall have authority to issue parking citations and order the towing and storage and/or removal of such vehicles and objects. In addition, violations of Section 16.20.160 are also subject to the Bureau of Development Services enforcement remedies as described in Subsection 3.30.040 C.

3.30.060 Nuisance Abatement Contracts.

(Amended by Ordinance No. 176955, effective October 9, 2002.) When authorized elsewhere in this Code to abate a nuisance, the Bureau of Development Services may either abate the nuisance with City personnel as may be provided by this Code, or when necessary, the Bureau of Development Services, acting through its Director, may contract with eligible contractors for the performance of nuisance abatement services pursuant to the procedures established in Sections 3.30.040 through 3.30.060 of this Code.

3.30.070 Inspections

- A.** Definitions. The terms used in this Section shall be defined as provided in this subsection, unless the context requires otherwise:
 - 1.** Building Regulations means any city code title listed in 3.30.010, or any other safety or health statute, ordinance, regulation, rule, standard or order the Director is authorized to enforce.
 - 2.** Property means real property and all improvements or structures on real property, from property line to property line.
- B.** Warrants. Whenever an inspection is necessary to enforce any of the provisions authorized by this Title, or whenever the Director has reasonable cause to believe that there exists in any building or upon any property any condition which makes such property substandard as defined in any building regulations, the Director may request any Circuit Court judge to issue an inspection warrant for the inspection or investigation of any building or upon any property as required or authorized by city code or by statute. The inspection warrant is an order authorizing a safety or health inspection or investigation to be conducted at a designated building or property.
- C.** Grounds for Issuance of Inspection Warrants; Affidavit.
 - 1.** Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or

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Where the responsible party is not the property owner, a copy of the stop work order will also be sent to the property owner.

- C.** It is unlawful for any person to remove, obscure, mutilate or otherwise damage a stop work order.
- D.** A stop work order is effective upon posting.
- E.** When an emergency condition exists, the Director may issue a stop work order orally. The Director will then issue a written notice under Section A, above, within 24 hours.

Chapter 3.32

BUREAU OF LICENSES

(Repealed by Ordinance No. 179566,
effective October 1, 2005.)

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Chapter 3.33

BUREAU OF PLANNING AND SUSTAINABILITY

(Chapter added by Ordinance No. 182671,
effective May 15, 2009.)

- 3.33.010 Purpose.
- 3.33.030 Functions.
- 3.33.020 Organization.

3.33.010 Purpose.

The purpose of this Chapter is to describe the organization and functions of the Bureau of Planning and Sustainability.

3.33.020 Organization.

The Bureau is administered by the Commissioner in charge and led by the Director of Planning and Sustainability. The organizational structure of the Bureau shall be determined by the Director of the Bureau after consultation with the Commissioner in charge.

3.33.030 Functions.

(Amended by Ordinance No. 184046, effective September 10, 2010.) The Bureau of Planning and Sustainability is responsible for planning, implementing, and managing complex programs and projects related to sustainability, urban design, land use, and long range planning.

The Bureau of Planning and Sustainability:

- A. Works with the City Council, Planning and Sustainability Commission, and the community to define shared values and develop a cohesive vision for the future of Portland;
- B. Maintains, modifies, and updates a Comprehensive Plan to guide the development and redevelopment of the city;
- C. Ensures that City policies, implementation tools, and zoning designations are consistent with the Comprehensive Plan, the Metro Functional Plan, Statewide Planning Goals, and other requirements. Implementation tools include Title 33,

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Planning and Zoning, portions of other City Titles, and a range of programs and policies;

- D.** Maintains, modifies, and updates Title 33, Planning and Zoning, and the City Zoning Map;
- E.** Develops, modifies and updates city sustainability principles, climate protection strategies, and green building and other sustainability policies and programs including sustainable government, renewable energy, energy efficiency, sustainable industries, and sustainable food systems; and evaluates the implementation and effectiveness of these policies and programs;
- F.** Develops, modifies and updates economic, environmental, housing, historic preservation, and community development policies and programs; updates demographic data; advocates for and advances quality sustainable urban design; works to ensure natural resource enhancement; and supports thriving neighborhoods and business communities; and evaluates the implementation and effectiveness of these policies and programs;
- G.** Convenes meetings of the Planning and Development Directors to coordinate planning and development activities of the City of Portland;
- H.** Provides City input into and coordination with regional and statewide planning and development activities;
- I.** Administers the City's solid waste and recycling rules and programs;
- J.** Provides support for:
 - 1.** The activities of the Planning and Sustainability Commission;
 - 2.** The legislative activities of the Portland Historic Landmarks Commission and the Portland Design Commission.
- K.** Carries out other tasks and functions as required by the City Council or Commissioner in Charge.

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Chapter 3.34

**BUREAU OF PURCHASES AND
STORES**

(Repealed by Ordinance No. 174410,
effective May 3, 2000.)

Chapter 3.36

**BUREAU OF FACILITIES
MANAGEMENT**

(Repealed by Ordinance No. 161018,
effective July 6, 1988.)

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collected and distributed in the same manner as other real property tax, an amount equal to the difference between the amount of tax due on the property and the amount of the tax that would have been due on the property had it not been exempt under ORS 458.005 and 458.015 to 458.065 for each of the years, not to exceed the last 10 years, during which the property was exempt from taxation under ORS 458.005 and 458.015 to 458.065.

- a.** If, at the time of discovery, the property is no longer exempt, additional taxes shall be imposed as provided in this section, but the number of years that would otherwise be used to compute the additional taxes shall be reduced by one year for each year that has elapsed since the year the property was last granted exemption.
 - b.** The assessment and tax rolls shall show potential additional tax liability for each property granted a limited assessment under ORS 458.005 and 458.015 to 458.065.
 - c.** Additional taxes collected under this section shall be deemed to have been imposed in the year to which the additional taxes relate.
- D.** If the City finds that the new construction was not completed on or before July 1, 2015 or the rehabilitation improvements were not completed by July 1, 2008, due to circumstances beyond the control of the owner, and that the owner had been acting and could reasonably be expected to act in good faith and with, due diligence, the City may extend the deadline for completion for a period not to exceed an additional 12 consecutive months.
- E.** The decision of the Council may be appealed as provided by ORS 34.010 to 34.100.
- F.** As provided by Subsection (4) of ORS 308.477, if no appeal is taken as provided in Subsection D. of this Section, or upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.207 to 311.213, to provide for the assessment and taxation of any value not included in the valuation of the new construction or there habilitation improvements during the period of limited assessment prior to termination by the Council or by a court, in accordance with the findings of the Council or the court as to the assessment year in which the limited assessment is to terminate. The Assessor shall make the valuation of the property necessary to permit correction of the rolls, and the owner may appeal the valuation in the manner provided under ORS 311.207 to 311.213. Where there has been a failure to comply, as provided in Subsection A of this Section, the property shall be revalued beginning January 1 of the assessment year in which

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the noncompliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th day of the month next following the month of correction. If not paid within such period, the additional taxes shall thereafter be considered delinquent on the date they would normally have become delinquent if timely extended on the roll or rolls in the year or years for which the correction was made.

3.102.090 Designation of Homebuyer Opportunity Areas.

(Amended by Ordinance Nos. 170667, 176786, 179685, 182671 and 184046, effective September 10, 2010.)

- A.** The Bureau of Planning and Sustainability shall be the agency responsible for designating homebuyer opportunity areas. The Portland Development Commission and the Bureau of Housing and Community Development shall be consulted in the designation process. The designation of such areas shall occur in the form of a public hearing conducted before the City Planning and Sustainability Commission through a legislative process appealable to City Council. If there is no appeal within 30 days of the decision by the Planning and Sustainability Commission, the decision shall be final. The Bureau of Planning and Sustainability shall make available maps indicating current homebuyer opportunity areas. The designation of the first homebuyer opportunity areas shall be conducted as nearly as possible in conjunction with the adoption of this ordinance implementing tax exemption in such designated areas. From the date of the first designation, a review of the areas for possible amendment of the boundaries of the homebuyer opportunity areas shall occur at least every three years.
- B.** The criteria for designating homebuyer opportunity areas shall include a consideration of the following factors:

 - 1.** The area is primarily a residential area of the city which is detrimental to the safety, health and welfare of the community by reason of deterioration, inadequate or improper facilities; the existence of unsafe or abandoned structures, including but not limited to a significant number of vacant or abandoned single or multi-family residential units; or any combination of these or similar factors; and,
 - 2.** The incentive of limited property tax exemption in a homebuyer opportunity area will help to carry out adopted policies, or area-wide or district plans of the city related to housing or neighborhood revitalization.
- C.** At no time shall the cumulative land area within the boundaries of homebuyer opportunity areas exceed 20 percent of the total land area of the city.

- D.** The Bureau of Planning and Sustainability shall also establish the price limit of newly constructed single-unit housing eligible for the limited property tax exemption as provided by this Chapter. The price limit shall not exceed 120 percent of the median sales price of single-family homes located within the city. The median sales price shall be determined, with assistance by the County Assessor, using the sales data collected under ORS 309.200 for the period ending the prior November 30 relative to single-family homes. In addition, the Bureau of Planning and Sustainability may use data made available by the real estate and construction or other appropriate industry. The median sales price shall be established by resolution prior to January 1 of each year during the effective time of this program.

3.102.100 Sunset of the Exemption for Owner-Occupied Rehabilitation and New Single-Unit Residences in Distressed Areas.

(Repealed by Ordinance No. 170667, effective Oct. 23, 1996.)

Chapter 3.103

**PROPERTY TAX EXEMPTION FOR NEW TRANSIT SUPPORTIVE
RESIDENTIAL OR MIXED USE DEVELOPMENT**

(New Section added by Ordinance No. 170667,
effective Oct. 23, 1996)

Sections:

3.103.005	Purpose.
3.103.010	Definitions.
3.103.020	Eligible Projects and Sites.
3.103.025	Pre-application Procedure.
3.103.030	Application Procedure.
3.103.040	Public Benefits.
3.103.045	Approval Criteria.
3.103.050	Review of Application.
3.103.055	Rate of Return Analysis.
3.103.060	Exemption.
3.103.070	Termination.
3.103.080	Extension of Deadline.
3.103.090	Implementation.

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3.103.005 Purpose.

The purposes of this property tax exemption are to encourage the development of high density housing and mixed use projects affordable to a broad range of the general public on vacant or underutilized sites within walking distance of light rail or fixed route transit service, and to enhance the effectiveness of the light rail or fixed route transit system.

3.103.010 Definitions.

(Replaced by Ordinance No. 180572, effective December 8, 2006.) As used in this Chapter:

- A. "Full funding agreement"** means an agreement executed by the Federal Transit Administration or other U.S. governmental agency which contains the terms and conditions applicable to the approval of a light rail project and the grant of federal funds for that project, which includes construction of planned stations and other light rail facilities.
- B. "Light rail station area"** means an area defined, for the purposes of this Chapter, to be within a one-quarter mile radius of an existing or planned light rail station. A planned light rail station shall be defined as one that has achieved a full funding agreement.
- C. "Multiple-unit housing"** means newly constructed structures, stories or other additions to existing structures, and structures converted in whole or in part from other uses to dwelling units, and existing structures containing low income housing subject to a public assistance contract that meet the following criteria:
 - 1.** The structures must have ten or more dwelling units.
 - 2.** The structures must not be designed or used as transient accommodation, including but not limited to hotels and motels.
 - 3.** The structures must contain design elements benefiting the general public as specified in Section 3.103.040.
 - 4.** The structures must:
 - a.** Enhance the effectiveness of the light rail or fixed route transit system by providing pedestrian connection to a light rail line or mass transportation system; and
 - b.** Contain housing units with rental rates or purchase prices which are accessible to a broad income range of the general public; and

residential and commercial off-street parking spaces; the source of water and proposed method of sewage disposal; other utilities requirements; landscaping; proposed amount of floor area dedicated to residential and nonresidential uses; a description of the public benefit(s) prescribed in 3.103.040 included in the project including any extension of public benefits from the project beyond the period of the exemption; and economic feasibility studies or market analysis, when appropriate. In addition, the application shall contain a detailed construction and operating cost analysis to demonstrate the applicant's economic need for the tax exemption. Evidence of cost comparisons may be required when appropriate;

In addition, the application shall contain a detailed construction and development cost analysis, sources and uses of funds analysis, operating income and expense analysis, and projected ten-year operating cash flow analyses for two scenarios: (1) modeling the project's operations with the tax abatement and (2) modeling the project's operations without the tax abatement. Each of these projected ten-year operating cash flow analyses shall include a calculation of the internal rate of return for the project. Internal rate of return is the annual discount rate, expressed as a percent, on a series of annual cash flows at which the net present value of an initial investment is equal to zero. The foregoing economic analyses shall be used to demonstrate the applicant's economic need for the tax exemption. In determining this economic need the Portland Development Commission shall verify the applicant's projected internal rate of return for the project based on invested cash, equity, economic conditions, and other related factors as prescribed in Section 3.103.050 B.

4. A description of the existing use of the property, including if appropriate a justification for the elimination of existing sound and rehabilitable housing;
5. A site plan and supporting maps, drawn to a minimum scale of one inch equal to 16 feet, or a scale suitable for reproduction on 8-1/2" by 11" paper, showing the development plan of the entire project including streets, driveways, sidewalks, pedestrian ways, off street parking, loading areas, location, design, and dimension of structures, use of land and structure(s), major landscaping features, existing and proposed utility systems, including sanitary and storm sewers, water, electric, gas and telephone lines; and
6. Such other information required by state or local law or otherwise which is reasonably necessary to effectuate the purposes of this Chapter, including a demonstration of the project's physical and functional connection to the nearest transit service.

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- B.** Concurrent with the submission of the application, an application fee as established by the Portland Development Commission shall be required.

3.103.040 Public Benefits.

(Replaced by Ordinance No. 180572; Amended by Ordinance Nos. 182389, 182671 and 184046, effective September 10, 2010.)

- A.** Purpose. The purpose of this Section is to achieve the type of higher density, mixed-income, transit oriented development desired by the adoption of this Chapter in addition to furthering other public policy goals of the City and the County. Therefore, a number of options are presented to the applicant in order to meet an affordability requirement and achieve one or more public benefits.
- B.** Except for the provisions of Section 3.103.040 D below, all rental projects containing more than 15 units applying for the exemption under the terms of this Chapter must comply with one of the following affordability requirements in either paragraph B.1 or paragraph B.2. These affordable units shall be subject to an Extended Use Agreement (EUA) requiring that they be rented in accordance with these rent and income restrictions for a period that is 5 years longer than the tax abatement period (for example, a 10-year tax abatement period would result in a 15-year EUA). The EUA will be recorded against the property and will appear as a lien on the property's title. Compliance with the EUA shall be certified by the owner to the Portland Development Commission on a yearly basis. The EUA will be administered as described in Section 3.103.055. The units meeting the affordability requirement must match the unit mix in the project as a whole in terms of number of bedrooms.
 - 1.** The project must include within the project and for the term of the exemption at least 20 percent of the units, or residential square footage dedicated to units, for rent at rates which are affordable to households earning 60 percent or less of the area median income:
 - a.** For the units affordable to households earning 60 percent or less of the area median income under the terms of this Chapter, the units must be rented to households whose incomes do not exceed 60 percent of the area median income upon initial occupancy of the unit by that household. Subsequent monitoring of the incomes of these households is not required until the affordable unit again becomes available for rent, at which time it must be rented to an income qualified household earning 60 percent of the area median income for the remaining term of the property tax exemption, unless another unit has subsequently been rented at an equivalent

affordable rate to a qualified household so that the project continues to comply with all provisions of this Section.

- b.** Measurement of household income shall be determined using the U.S. Department of Housing and Urban Development's, or its successor agency's, annual household income for the Portland Metropolitan Area for a family of one person (for a studio apartment), two persons (for a one-bedroom apartment), three persons (for a two-bedroom apartment), or four persons (for a three-bedroom apartment). Affordability shall be defined as a rental rate which does not exceed 30 percent of the monthly gross income for a family earning 60 percent or less of the area median income.
- 2.** In the alternative to B.1, the project must include within the project and for the term of the exemption at least 10 percent of the units, or residential square footage dedicated to units, for rent at rates which are affordable to households earning 30 percent or less of the area median income:
 - a.** For the units affordable to households earning 30 percent or less of the area median income under the terms of this Chapter, the units must be rented to households whose incomes do not exceed 30 percent of the area median income upon initial occupancy of the unit by that household. Subsequent monitoring of the incomes of these households is not required until the affordable unit again becomes available for rent, at which time it must be rented to an income qualified household earning 30 percent of the area median income for the remaining term of the property tax exemption, unless another unit has subsequently been rented at an equivalent affordable rate to a qualified household so that the project continues to comply with all provisions of this Section.
 - b.** Measurement of household income shall be determined using the U.S. Department of Housing and Urban Development's, or its successor agency's, annual household income for the Portland Metropolitan Area for a family of one person (for a studio apartment), two persons (for a one-bedroom apartment), three persons (for a two-bedroom apartment), or four persons (for a three-bedroom apartment). Affordability shall be defined as a rental rate which does not exceed 30 percent of the monthly gross income for a family earning 30 percent or less of the area median income.

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- C.** All projects containing housing units available for individual purchase shall receive the property tax exemption only for those for-sale units which are available at an initial purchase price which does not exceed 95 percent of the Federal Housing Administration mortgage maximum for a single unit in the Portland Metropolitan area. The unit must be sold to a household earning no more than 100 percent of the area median income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale in order to retain its property tax exempt status.
- 1.** In order to qualify for this exemption, such units must be owner-occupied during the term of the exemption. Should any unit become available for sale during the term of the exemption, it must be sold to a household earning no more than 100 percent of the area median income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale in order to retain its property tax exempt status.
- D.** In addition to the applicable provisions of subsections A through C above, the project must include three of the following:
- 1.** At least 20 percent of the rental units must be dedicated and fully accessible during the term of the exemption by covenant to households which include persons with special needs, such as the mentally or physically disabled or other categories of persons as defined by the Federal Fair Housing Amendments Act of 1988;
- 2.** At least 10 percent of the rental units must include three or more bedrooms;
- 3.** The project must provide child care on-site or support child care through a service provider with a facility located within 1200 feet of a light rail station or within 400 feet of a transit stop at 25 percent of the annual value of the property tax exemption for each year of the term of the exemption, such in-lieu support being dedicated to project residents or other households earning 60 percent or less of the area median income;
- 4.** The project must provide a residential unit per acre density equivalent to at least 80 percent of the applicable maximum density as allowed by the base zone as established by Title 33, Portland Zoning Code, except that this alternative shall not be available to projects on sites with R1 zoning. For sites with RH, IR, CN, CO, CM, CS, or CG zoning, this requires at least 68 units per net acre. For sites with RX, CX, EX, or other zoning, this requires at least 139 units per net acre;

5. Ground floor service or commercial use which is permitted and serves project residents, neighboring residents, and transit riders;
 6. Office space or meeting room for community organizations;
 7. Permanent dedications for public use including open space, community gardens, or pedestrian and bicycle connections to public trails and adjoining neighborhood areas;
 8. Family oriented recreational facilities for the children of project residents;
 9. Dedicated car-share space(s);
 10. Structured parking;
 11. LEED Silver certification from the US Green Building Council;
 12. Twice the percentage of affordable units, or residential building square footage dedicated to affordable units, than is required by subsection B of this section; or.
 13. Other benefits as proposed by the developer and approved by the Planning and Sustainability Commission.
 14. Transportation improvements above those required by development standards approved by the Bureau of Transportation and the Planning and Sustainability Commission.
 15. An agreement to sell off-street parking spaces separate from condominium units so that a unit can be purchased without a parking space.
- E. Staff from the Portland Development Commission shall confer, at a minimum, with the staffs of the Bureau of Planning and Sustainability and the Bureau of Transportation for advice and confirmation regarding compliance with the relevant public benefits, plan policies, and transit oriented design features applicable to the project. Other bureaus or agencies indicating interest shall also be invited to comment. Written comments received from staff shall be entered into the record of the adopting report and recommendation presented before the Planning and Sustainability Commission.

3.103.045 Approval Criteria.

(Replaced by Ordinance Nos. 180572 and 184046, effective September 10, 2010.) An application may be recommended for approval if the Portland Development Commission staff establishes conditions which ensure that:

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- A.** Within 60 days of receipt of a complete application, the staff of the Portland Development Commission shall review the application for economic feasibility and other requirements of this chapter and shall recommend to the Planning and Sustainability Commission that the application be denied or approved subject to conditions. If the anticipated internal rate of return for the project for the period of the exemption exceeds ten percent, the Portland Development Commission staff shall recommend that the application be denied. Portland Development Commission staff may require modifications to the project design in order to further the public goals of this Chapter.
- B.** The project containing these public benefits and affordable units would not otherwise be financially feasible without the benefit provided by the property tax exemption;
- C.** The construction project will, at the time of completion, conform with the applicable provisions of Titles 17, 24, 32, 33, 34; and
- D.** The applicant has complied with Sections 3.103.010, 3.103.020, 3.103.030, and 3.103.040.

3.103.050 Review of Application.

(Replaced by Ordinance Nos. 180572, 182671 and 184046, effective September 10, 2010.)

- A.** Within 60 days of receipt of a complete application, the staff of the Portland Development Commission shall review the application for economic feasibility and other requirements of this chapter and shall recommend to the Planning and Sustainability Commission that the application be denied or approved subject to conditions. If the anticipated internal rate of return for the project for the period of the exemption exceeds ten percent, the Portland Development Commission staff shall recommend that the application be denied. Portland Development Commission staff may require modifications to the project design in order to further the public goals of this Chapter.
- B.** If the recommendation is for approval, the report shall contain a recommendation stating the terms and conditions of approval, which shall be made available to the applicant, the Planning and Sustainability Commission, and any interested agencies or individuals at least 14 days prior to consideration of the recommendation at a hearing conducted before the Planning and Sustainability Commission.
- C.** Within 60 days of receiving the report and recommendation of the Portland Development Commission staff, Planning and Sustainability Commission shall

review application to determine if the development is consistent with the public benefit requirements of this chapter and recommend to deny or to approve it subject to conditions.

- D.** The Commission shall instruct Bureau of Planning and Sustainability staff to forward to City Council an ordinance within 30 days that shall include: the owner's name and address; a description of the multiple-unit housing; the legal description of the property and the Assessor's property account number; and all conditions imposed and upon which the recommendation for approval of the application is based.
- E.** City Council shall approve or deny the application by ordinance within 30 days of the Planning and Sustainability Commission's recommendation. Final action will be in the form of an ordinance that includes all conditions imposed and upon which the approval of the application is based. An application not acted upon within 180 days from the date of application shall be deemed approved.
- F.** If the application is denied, a notice of denial shall be sent to the applicant within 10 days following the denial. The notice shall state the reasons for denial.
- G.** If the application is approved, the Bureau of Planning and Sustainability shall on or before April 1 file with the Assessor a copy of the ordinance approving the application.

3.103.055 Rate of Return Analysis.

(Added by Ordinance Nos. 180572 and 182671, effective May 15, 2009.)

- A.** The owner shall provide financial data on an annual basis to the Portland Development Commission for each tax year that the exemption is in effect. The financial data shall be provided to the Portland Development Commission no later than 120 days from the close of the owner's fiscal year. The financial data shall include, but is not limited to, full project-based financial statements, Internal Revenue Service tax information, a ten-year operating cash flow statement showing actual cash flow for all prior years and the current year and shall include a to-date calculation of the internal rate of return for the project, and any other information deemed necessary by the Portland Development Commission to calculate or otherwise evaluate the owner's internal rate of return for the project.
- B.** For each year of the exemption, the Portland Development Commission shall prepare an annual analysis of the owner's financial data within 90 days of receipt of all required financial data from the owner. The analysis shall include a to-date calculation of the internal rate of return for the project. The Portland Development Commission shall calculate the internal rate of return by the same method utilized in its initial recommendation for the tax abatement.

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- C.** The Portland Development Commission shall advise the owner annually in writing as to whether the financial analysis demonstrates that the projected internal rate of return for the project will exceed ten percent for the entire exemption period and could result in an Accrued Payment Liability ("APL") as calculated pursuant to Section 3.103.055 D.
- D.** The EUA will be terminated at the end of the tax abatement period, if the internal rate of return for the project is less than or equal to 10 percent.

If the 10-year internal rate of return for the project is greater than 10 percent, then:

- 1.** The EUA shall be maintained on a portion or all of the units covered by the EUA as calculated in Section 3.103.055; or
- 2.** The property owner shall pay an APL that shall be paid as calculated pursuant to this Section.

If as a result of the analysis prepared after the final year of the exemption, the Portland Development Commission has calculated that the internal rate of return during the term of the exemption has exceeded ten percent, the Portland Development Commission shall notify the Bureau of Planning and Sustainability. The Bureau of Planning and Sustainability shall send a notice to the last known address of the owner stating that the owner, at its option, shall either pay the APL to the City in order to have the EUA terminated or, alternatively, be subject to the EUA for the remainder of the EUA as calculated in this Section.

The amount of the APL shall be equal to (1) the net present value, using a 10 percent annual discount rate of the difference between the project's actual annual cash flows over the abatement period and the proforma projected cash flows for the project that would provide a 10 percent internal rate of return for the abatement period or (2) equal to the maximum amount of property taxes that would have been assessed if no exemption had been granted, whichever is less. If the internal rate of return for the project is calculated to be greater than 10 percent and the project owner elects not to pay the APL, then the EUA will be maintained on the number of units required to reduce net present value, using a 10 percent annual discount rate, of the project's projected market-rate (unrestricted) annual cash flows, during the 5-year EUA period after the end of the tax abatement period, by an amount equal to the APL.

3.103.060 Exemption.

(Replaced by Ordinance No. 180572, effective December 8, 2006.)

- A.** Except as provided for under subsection D, multiple-unit housing for which an exemption has been approved under the terms of this Chapter shall be exempt

from ad valorem taxation for up to 10 successive years beginning July 1 of the year immediately following the calendar year in which construction is completed, determined by that stage in the construction process when, pursuant to ORS 307.330, the improvement would have gone on the tax rolls in the absence of the exemption. The exemption shall not include the land upon which the project is located, nor any improvement not part of the multiple-unit housing except for those improvements deemed a public benefit as specified in 3.103.040. The exemption provided in this section shall be in addition to any other exemption provided by law.

- B.** In the case of a structure converted in whole or in part from other uses to multiple family, only the increase in value attributed to the conversion shall be eligible for the exemption.
- C.** In either case, the value of the exemption shall not exceed 100 percent of its real market value.
- D.** If multiple-unit housing is subject to a public assistance contract to provide low income housing, the term of the exemption shall be through June 30 of the tax year during which the termination date of the contract falls.

3.103.070 Termination.

(Amended by Ordinance Nos. 178286, 179844 and 180572, effective December 8, 2006.)
If, after an application has been approved under this Chapter, the City finds that the work was not completed on or before January 1, 2012; that any provision of this Chapter has not been complied with including a determination by the Portland Development Commission as provided in Section 3.103.055 that the internal rate of return for the project exceeds ten percent for the exemption period; or that any agreement by the owner or requirement imposed is not being satisfied; the Portland Development Commission staff shall send a notice of proposed termination of the exemption to the owner's last known address.

- A.** The notice shall state the reasons for the proposed termination, and shall require the owner to appear before the City Council at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.
- B.** If the owner fails to show cause why the exemption should not be terminated, the City Council shall adopt a resolution terminating the exemption. A copy of the resolution shall be filed with the County Assessor and a copy sent to the owner at his last known address within 10 days after its adoption.
- C.** If the owner does not seek review of the termination of an exemption pursuant to ORS 34.010 to 34.100, upon final adjudication, the county officials having

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possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.205 to 311.235, to provide for the assessment and taxation of any property for which exemption was terminated or modified by the City or by a court, in accordance with the finding of the City or the court as to the assessment year in which the exemption is first to be terminated. The County Assessor shall make such valuation of the property as shall be necessary to permit such correction of the rolls. The owner may appeal any such valuation in the same manner as provided for appeals under ORS 311.207 to 311.213. Where there has been a failure to comply with ORS 307.670, the property shall become taxable beginning July 1 of the calendar year in which the noncompliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th of the month next following the month of correction. If not paid within such period, the additional taxes shall be delinquent on the date they would normally have become delinquent if timely extended on the roll or rolls in the year or years for which the correction was made.

3.103.080 Extension of Deadline.

(Amended by Ordinance Nos. 178286 and 179844, effective December 21, 2005.) Notwithstanding the provision of 3.103.070, if the City finds that construction of the multiple-unit housing was not completed by January 1, 2012, due to circumstances beyond the control of the owner, and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the City may extend the deadline for completion of construction for a period not to exceed 12 consecutive months.

3.103.090 Implementation.

The Portland Development Commission shall establish procedures and prepare forms for implementation, administration, and monitoring for compliance with the provisions of this Chapter.

2. A legal description of the property and property account number;
3. A detailed description of the project including the number, size and type, of dwelling units; dimensions of the multiple-unit structure(s), parcel size, proposed lot coverage of buildings, and amount of open space; type of construction; public and private access; parking and circulation plans; the source of water and proposed method of sewage disposal; other utilities requirements; landscaping; proposed residential and nonresidential uses; a description of the public benefit(s) prescribed in 3.104.040 included in the project. The applicant shall provide cost comparisons and market studies if requested.

In addition, the application shall contain a detailed construction and development cost analysis, sources and uses of funds analysis, operating income and expense analysis, and projected ten-year operating cash flow analyses for two scenarios: (1) modeling the project's operations with the tax abatement and (2) modeling the project's operations without the tax abatement. Each of these projected ten-year operating cash flow analyses shall include a calculation of the internal rate of return for the project. Internal rate of return is the annual discount rate, expressed as a percent, on a series of annual cash flows at which the net present value of an initial investment is equal to zero. The foregoing economic analyses shall be used to demonstrate the applicant's economic need for the tax exemption. In determining this economic need the Portland Development Commission shall verify the applicant's projected internal rate of return for the project based on invested cash, equity, economic conditions, and other related factors as prescribed in Section 3.104.050 B.
4. A description of the existing use of the property, including if appropriate a justification for the elimination of existing sound and rehabilitable housing;
5. A site plan and supporting maps, drawn to a minimum scale of one inch equal to 16 feet, showing the development plan of the entire project including streets, driveways, sidewalks, pedestrian ways, off street parking, loading areas, location, design, and dimension of structures, use of land and structure(s), major landscaping features, existing and proposed utility systems, including sanitary and storm sewers, water, electric, gas and telephone lines; and
6. Such other information required by state or local law or otherwise which is reasonably necessary to effectuate the purposes of this Chapter.

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- B.** Concurrent with the submission of the application, an application fee as determined by the Bureau of Planning and Sustainability and the Portland Development Commission shall be required. In addition to the application fee, the applicant may be required to pay such other reasonable costs, including appraisal costs, incurred by the Assessor in processing the application. The Bureau of Planning and Sustainability shall collect any additional cost and pay the Assessor for the additional costs.

3.104.040 Public Benefits.

(Amended by Ordinance Nos. 178740, 179487 and 184046, effective September 10, 2010.)

- A.** Purpose. The purpose of this Section is to achieve the type of higher density, transit oriented development in the Central City and urban renewal areas desired by the adoption of this Chapter in addition to furthering other public policy goals of the City and the County. Therefore, a number of options are presented to the applicant in order to achieve one or more public benefits.
- B.** All rental projects containing more than 15 units applying for the exemption under the terms of this Chapter must include within the project and for a term of up to 15 years, but in no event less than the term of the exemption, at least 15 percent of the units for rent at rates which are affordable to and restricted to households earning 80 percent or less of the area median income. These affordable units shall be subject to an Extended Use Agreement (EUA) requiring that they be rented in accordance with these rent and income restrictions for a period that is 5 years longer than the tax abatement period (for example, a 10-year tax abatement period would result in a 15-year EUA). The EUA will be recorded against the property and will appear as a lien on the property's title. Compliance with the EUA shall be certified by the owner to the Portland Development Commission on a yearly basis. The EUA will be administered as described in Section 3.104.055.
 - 1.** For the units affordable to households earning 80 percent or less of the area median income under the terms of this Chapter, the units must be rented to households whose incomes do not exceed 80 percent of the area median income upon initial occupancy of the unit by that household. Subsequent monitoring of the incomes of these households is not required until the affordable unit again becomes available for rent, at which time it must be rented to an income qualified household earning 80 percent of the area median income for the remaining term of the property tax exemption, unless another unit has subsequently been rented at an equivalent affordable rate to a qualified household so that the project continues to comply with all provisions of this Section.

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2. Measurement of household income shall be determined using the U.S. Department of Housing and Urban Development's, or its successor agency's, annual household income for the Portland Metropolitan Area for a family of one person (for a studio apartment), two persons (for a one-bedroom apartment), three persons (for a two-bedroom apartment), or four persons (for a three-bedroom apartment). Affordability shall be defined as a rental rate, which does not exceed 30 percent of the monthly gross income for a family earning 80 percent or less of the area median income.
- C.** All projects containing housing units available for individual purchase shall receive the property tax exemption only for those for-sale units which are available at an initial purchase price which does not exceed 95 percent of the Federal Housing Administration mortgage maximum for a single unit in the Portland Metropolitan area. The unit must be sold to a household earning no more than 100 percent of the area median income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale in order to retain its property tax exempt status.
1. In order to qualify for this exemption, such units must be owner-occupied during the term of the exemption. Should any unit become available for sale during the term of the exemption, it must be sold to a household earning no more than 100 percent of the area median income for a family of four as established by the U.S. Department of Housing and Urban Development, or its successor agency, during the year of sale in order to retain its property tax exempt status.
- D.** In addition to the applicable provisions of Sections 3.104.040 B. and C. above, the project must include at least one of the following:
1. Open spaces available to the general public;
 2. Day care facilities;
 3. Permanent dedications for public use;
 4. LEED Silver certification from the US Green Building Council;
 5. 20 percent of the rental units have 3 or more bedrooms;
 6. A total of 25 percent of the rental units are affordable to households at 80 percent MFI; or

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7. Other public benefits approved by the Planning and Sustainability Commission and the City Council. The City Council shall specify the public benefit which is to be included in the proposed project. If the applicant fails to agree to include the public benefit as specified by the Council, the application shall be denied.

3.104.045 Approval Criteria.

An application may be approved if the reviewing body finds:

- A. The construction includes one or more design elements specified in Section 3.104.040;
- B. The construction project will at the time of completion, conform with the provision', of Titles 24, 32, 33, 34, and the Comprehensive Plan; and
- C. The applicant has complied with 3.104.010, 3.104.020, 3.104.030, and 3.104.040.

3.104.050 Review of Application.

(Amended by Ordinance Nos. 178740, 179487, 182671 and 184046, effective September 10, 2010.)

- A. The Bureau of Planning and Sustainability shall send the Portland Development Commission a copy of the application within 10 days of its submission to the Bureau.
- B. The Portland Development Commission shall thereupon review the application for economic feasibility and economic need and make a recommendation within 60 days thereafter recommend to the Planning and Sustainability Commission that the application be approved, denied, or approved subject to conditions. If the anticipated internal rate of return for the project for the period of the exemption exceeds ten percent, the Portland Development Commission shall recommend that the application be denied.
- C. Within 60 days of the recommendation of the Portland Development Commission, the Planning and Sustainability Commission shall review the application to determine whether the proposed development is consistent with the City's Comprehensive Plan. A recommendation shall thereafter be forwarded to the City Council that the application be approved subject to those conditions necessary to achieve the purposes of this Chapter. The Planning and Sustainability Commission shall specify in its recommendation to the Council the scope and nature of public benefit recommended for the proposed project.
- D. The City Council shall review the application within 180 days of the date of application and approve, deny, or approve subject to conditions. Copies of the

application shall be supplied the City Council at least 14 days prior to the Council's review. Final action upon the application shall be in the form of an ordinance or resolution that shall include: the owner's name and address; a description of the multiple-unit housing; the legal description of the property and the Assessor's property account number; and all conditions imposed and upon which approval of the application is based.

- E.** If the application is denied, a notice of denial shall be sent to the applicant within 10 days following the denial. The notice shall state the reasons for denial.
- F.** If the application is approved, the Bureau of Planning and Sustainability shall on or before the ensuing April 1 file with the Assessor a copy of the ordinance or resolution approving the application.
- G.** If the application is approved, the recipient(s) of the tax exemption must agree to a condition of approval to provide financial information to the Portland Development Commission by July 1 in years 5 and 9 of the tax exemption and two years after the tax exemption has expired. The purpose of this requirement is to provide information to the Planning and Sustainability Commission and City Council for their review of the program described in 3.104.085. The Bureau of Planning and Sustainability will notify tax exemption recipients and the Portland Development Commission 60 days in advance of the reporting requirement. Recipients will submit the required information on the Portland Development Commission's Electronic Operating Statement (EOS) or similar form that might replace the EOS. Portland Development Commission staff will review the statement and prepare a report within 60 days that will then be forwarded to the Bureau of Planning and Sustainability. Bureau of Planning and Sustainability staff will periodically convey these reports to the Planning and Sustainability Commission for use in their review described in 3.104.085.

3.104.055 Rate of Return Analysis.

(Added by Ordinance Nos. 179487 and 182671, effective May 15, 2009.)

- A.** The owner shall provide financial data on an annual basis to the Portland Development Commission for each tax year that the exemption is in effect. The financial data shall be provided to the Portland Development Commission no later than 120 days from the close of the owner's fiscal year. The financial data shall include, but is not limited to, full project-based financial statements, Internal Revenue Service tax information, a ten-year operating cash flow statement showing actual cash flow for all prior years and the current year and shall include a to-date calculation of the internal rate of return for the project, and any other information deemed necessary by the Portland Development Commission to calculate or otherwise evaluate the owner's internal rate of return for the project.

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- B.** For each year of the exemption, the Portland Development Commission shall prepare an annual analysis of the owner's financial data within 90 days of receipt of all required financial data from the owner. The analysis shall include a to-date calculation of the internal rate of return for the project. The Portland Development Commission shall calculate the internal rate of return by the same method utilized in its initial recommendation for the tax abatement.
- C.** The Portland Development Commission shall advise the owner annually in writing as to whether the financial analysis demonstrates that the projected internal rate of return for the project will exceed ten percent for the entire exemption period and could result in an Accrued Payment Liability ("APL") as calculated pursuant to Section 3.104.055 D.
- D.** The EUA will be terminated at the end of the tax abatement period, if the internal rate of return for the project is less than or equal to 10 percent.
If the 10-year internal rate of return for the project is greater than 10 percent, then:
 - 1.** the EUA shall be maintained on a portion or all of the units covered by the EUA as calculated in Section 3.104.055; or
 - 2.** the property owner shall pay an APL that shall be paid as calculated pursuant to this Section.

If as a result of the analysis prepared after the final year of the exemption, the Portland Development Commission has calculated that the internal rate of return during the term of the exemption has exceeded ten percent, the Portland Development Commission shall notify the Bureau of Planning and Sustainability. The Bureau of Planning and Sustainability shall send a notice to the last known address of the owner stating that the owner, at its option, shall either pay the APL to the City in order to have the EUA terminated or, alternatively, be subject to the EUA for the remainder of the EUA as calculated in this Section.

The amount of the APL shall be equal to (1) the net present value, using a 10 percent annual discount rate of the difference between the project's actual annual cash flows over the abatement period and the proforma projected cash flows for the project that would provide a 10 percent internal rate of return for the abatement period or (2) equal to the maximum amount of property taxes that would have been assessed if no exemption had been granted, whichever is less.

If the internal rate of return for the project is calculated to be greater than 10 percent and the project owner elects not to pay the APL, then the EUA will be maintained on the number of units required to reduce net present value, using a 10 percent annual discount rate, of the project's projected market-rate (unrestricted) annual cash flows, during the 5-year EUA period after the end of the tax abatement period, by an amount equal to the APL.

3.104.060 Exemption.

(Amended by Ordinance Nos. 170667 and 179487, effective August 10, 2005.)

- A.** Except as provided for under Subsection 3.104.060 B., multiple-unit housing for which an exemption has been approved under the terms of this Chapter shall be exempt from ad valorem taxation for up to 10 successive years beginning July 1 of the year immediately following the calendar year in which construction is completed, determined by that stage in the construction process when, pursuant to ORS 307.330, the improvement would have gone on the tax rolls in the absence of the exemption provided for in this Chapter. The exemption shall not include the land upon which the project is located, nor any improvement(s) not part of the multiple-unit housing except those improvements deemed a public benefit as specified in 3.104.040. The exemption provided in this section shall be in addition to any other exemption provided by law.
- B.** In the case of a structure converted in whole or in part from other uses to multiple family, only the increase in value attributed to the conversion shall be subject to the exemption

3.104.070 Termination.

(Amended by Ordinance Nos. 170667, 178286, 179487, 179844 and 182671, effective May 15, 2009.) If, after an application has been approved under this Chapter, the City finds that the work was not completed on or before January 1, 2012; that any provision of this Chapter has not been complied with; including a determination by the Portland Development Commission as provided in Section 3.104.055 that the internal rate of return for the project exceeds ten percent for the exemption period; or that any agreement by the owner or requirement imposed by Council is not being satisfied, the Bureau of Planning and Sustainability may send a notice of proposed termination of the exemption to the owner's last known address.

- A.** The notice shall state the reasons for the proposed termination, and shall require the owner to appear before the City Council at a specified time, not less than 20 days after mailing the notice, to show cause, if any, why the exemption should not be terminated.
- B.** If the owner fails to show cause why the exemption should not be terminated, the City Council shall adopt an ordinance or resolution terminating the exemption. A copy of the ordinance or resolution shall be filed with the County Assessor and a copy sent to the owner at his last known address, within 10 days after its adoption.
- C.** If the owner does not seek review of the termination of an exemption pursuant to ORS 34.010 to 34.100, upon final adjudication, the county officials having possession of the assessment and tax rolls shall correct the rolls in the manner provided for omitted property under ORS 311.205 to 311.235, to provide for the

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assessment and taxation of any property for which exemption was terminated or modified by the City or by a court, in accordance with the finding of the City or the court as to the assessment year in which the exemption is first to be terminated. The County Assessor shall make such valuation of the property as shall be necessary to permit such correction of the rolls. The owner may appeal any such valuation in the same manner as provided for appeals under ORS 311.207 to 311.213. Where there has been a failure to comply with ORS 307.670, the property shall become taxable beginning July 1 of the calendar year in which the noncompliance first occurred. Any additional taxes becoming due shall be payable without interest if paid in the period prior to the 16th of the month next following the month of correction. If not paid within such period, the additional taxes shall be delinquent on the date they would normally have become delinquent if timely extended on the roll or rolls in the year or years for which the correction was made.

3.104.080 Extension of Deadline.

(Amended by Ordinance Nos. 170667, 178286 and 179844, effective December 21, 2005.) Notwithstanding the provision of 3.104.070, if the City finds that construction of the multiple-unit housing was not completed by January 1, 2012, due to circumstances beyond the control of the owner, and that the owner has been acting and could reasonably be expected to act in good faith and with due diligence, the City may extend the deadline for completion of construction for a period not to exceed 12 consecutive months.

3.104.085 Program Review.

(Added by Ordinance No. 178740; Amended by Ordinance No. 184046, effective September 10, 2010.) The Planning and Sustainability Commission will review the program requirements every five years and make a recommendation to City Council on possible changes to the program. This review will take into consideration the information gathered from tax exemption recipients as required by 3.104.050 G. and any other information the Commission considers relevant.

3.104.090 Implementation.

(Amended by Ordinance No. 182671, effective May 15, 2009.) The Bureau of Planning and Sustainability and the Portland Development Commission shall establish procedures and prepare forms for implementation and administration of this Chapter.

Chapter 3.105

BULL RUN ADVISORY COMMITTEE

(Added by Ordinance No. 143520;
repealed by Ordinance No. 161853,
effective May 27, 1989.)

3.107.050 Rules - Quorum.

The Committee shall establish its own rules and provide procedures for consideration or action on all matters before the Committee. Such rules and procedures may be adopted and amended only upon an affirmative vote of five or more Committee members. Election of officers and regular business shall be passed upon by the majority of a quorum. Not less than five members shall constitute a quorum. Each member shall be entitled to one vote. Provisions shall be made for public participation in Committee meetings.

3.107.060 Staff.

The Committee shall be staffed by personnel from the Bureau of Water Works and such additional staff or consultants as may be deemed necessary by the City Council for the committee to fulfill its responsibilities.

Chapter 3.110

**BUREAU OF HYDROELECTRIC
POWER**

(Added by Ordinance No. 147822,
effective July 9, 1979.)

Sections:

- 3.110.010 Creation and Function.
- 3.110.020 Jurisdiction.

3.110.010 Creation and Function.

(Amended by Ordinance No. 161850, effective May 27, 1989.) There is hereby established a Bureau of Hydroelectric Power. The Bureau shall be administered by a Bureau Manager and shall have such other employees as the Council may provide. The Bureau shall supervise the construction and administer the operation of hydroelectric generating facilities owned by the City. It shall perform the duties and responsibilities required by any Federal Energy Regulatory Commission license and any agreements for the disposition of energy. The Bureau of Hydroelectric Power shall report to the Administrator of the Bureau of Water Works.

3.110.020 Jurisdiction.

The Bureau shall supervise the construction and administer the operation of the City owned hydroelectric power generating facilities.

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Chapter 3.111

OFFICE OF
SUSTAINABLE DEVELOPMENT

(Chapter repealed by Ordinance No. 182671,
effective May 15, 2009.)

Chapter 3.112

SUSTAINABLE DEVELOPMENT
COMMISSION

(Chapter repealed by Ordinance No. 184046,
effective September 10, 2010.)

Chapter 3.114

**OFFICE OF CABLE
COMMUNICATIONS
AND FRANCHISE MANAGEMENT**

(Added by Ordinance No. 149053; amended by
Ordinance Nos. 151338 and 160424,
effective February 22, 1988.)

Sections:

- 3.114.010 Creation.
- 3.114.020 Functions.
- 3.114.030 Jurisdiction.
- 3.114.040 Policy.

3.114.010 Creation.

There is hereby established an Office of Cable Communications and Franchise Management. The Office shall be administered by a Director and shall have such other employees as the Council may provide.

3.114.020 Functions.

(Amended by Ordinance No. 181155, effective August 17, 2007.)

- A.** The Office shall be responsible for supervising and coordinating all franchising processes engaged in by the City, for monitoring the performance of all franchisees for franchise compliance and for performing all other necessary work relating to franchises in the City.
- B.** The Office shall be responsible for promoting the orderly development of City-owned cable communication systems, for providing staff support needed by the Mt. Hood Cable Regulatory Commission and for performing all other necessary work related to cable communications in the City.
- C.** The Office shall be responsible for overseeing franchise and utility audits and revenues in coordination with the City Auditor's Office, the Office of Management and Finance and other City agencies and bureaus.

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3.114.030 Jurisdiction.

- A.** The Office shall have jurisdiction over all franchisees. The Office shall have jurisdiction over all public or private utilities or other entities seeking similar rights to use City rights-of-way.
- B.** The Office shall have jurisdiction over all cable communications matters affecting the City of Portland.

3.114.040 Policy.

In order to establish and ensure a stable, predictable basis for long-term relations, it is the policy of the City of Portland that public or private utilities and other entities seeking similar rights to utilize City rights-of-way should be subject to franchise agreements with the City.

Chapter 3.115

MT. HOOD CABLE REGULATORY COMMISSION

(Chapter replaced by Ordinance No. 181155,
effective August 17, 2007.)

Sections:

3.115.010	Definitions.
3.115.020	Cable Regulatory Commission.
3.115.030	General Powers & Duties.
3.115.040	Portland Community Media.
3.115.060	Annexations.
3.115.070	Cable Television Consumer Protection.
3.115.080	Definitions.
3.115.090	Local Office and Office Hours.
3.115.100	Telephone Answering Standard.
3.115.110	Installations, Disconnections, Outages And Service Calls.
3.115.120	Notice Requirements.
3.115.130	Billing.
3.115.140	Reporting.

3.115.010 Definitions.

Unless the context indicates otherwise, words used in this Chapter have the following meanings:

- A. "Agreement"** means the Intergovernmental Agreement creating the Mt. Hood Cable Regulatory Commission among and between the various Jurisdictions, dated December 24, 1992, including later amendments approved by the City Council.
- B. "Commission"** means the Mt. Hood Cable Regulatory Commission.
- C. "Franchise"** means an ordinance approved by the City Council authorizing use of the City's public right-of-way for operation of a cable communications system.
- D. "Grantee"** means any person authorized by a franchise agreement to construct, operate and maintain a cable communications system within the City of Portland.

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3.115.020 Cable Regulatory Commission.

- A.** The City is a party to the Intergovernmental Agreement dated December 24, 1992, as modified by subsequent amendments, creating the Mt. Hood Cable Regulatory Commission. The Intergovernmental Agreement establishes the responsibilities and powers of the Commission, as delegated by the various participating jurisdictions. The City Council approved the City of Portland's participation in the MHCRC by Ordinance No. 166168, enacted on January 20, 1993.
- B.** As provided in the Agreement, the City is represented by three members on the Commission, appointed by the Commissioner in Charge of the Office of Cable Communications and Franchise Management and confirmed by the Council. Appointments are for staggered terms of 3 years. When an interim vacancy occurs, the Commissioner in Charge appoints, and the Council confirms, a member to fill the balance of the unexpired term. All members representing the City must be residents of the City. The Commissioner in Charge shall appoint members to the Commission so as to provide for an appropriate level of expertise taking into account the powers and duties of the Commission and in making appointments shall take into consideration the desirability of diverse representation, including without limitation, of racial and ethnic minorities, gender, different geographic areas, and different socioeconomic groups. All members shall serve without compensation from the City or from any grantee. No member may have an ownership interest in any grantee. The Commissioner in Charge may remove a member appointed by the City from the Commission at any time, subject to approval by the Council.

3.115.030 General Powers & Duties.

- A.** To the extent provided in the Agreement and in this Chapter, the Commission may exercise all cable communications system regulatory powers of the City over grantees operating within the City, whether such powers are granted to the City by law or under franchises issued to grantees.
- B.** The Commission shall act in an advisory capacity to the City Council through the Commissioner in Charge of the Office of Cable Communications and Franchise Management on all other matters pertaining to franchise agreements to construct, maintain and operate cable communications systems or proposed franchise agreements for such systems.
- C.** All powers granted to the Commission by the Agreement shall be subject to the provisions of franchises issued to grantees.. In the event of any conflict between the Agreement and a grantee franchise, the provisions of the franchise shall prevail.

- D.** The Commission may adopt such regulations as it deems necessary or desirable in order to exercise its powers and carry out its duties under the Agreement and this Chapter.

3.115.040 Portland Community Media.

The Mayor and the Commissioner in Charge of the Office of Cable Communications and Franchise Management shall each appoint one member of the board of directors of Portland Community Media, for staggered terms of two years. All appointments shall be confirmed by the Council. In appointing these directors, consideration shall be given to representation on the board of directors of the fields of arts, education, government, and community media; and of diverse representation including, without limitation, racial and ethnic minorities, non-English speaking people, gender, and low-income people. In addition, the Commission shall appoint one non-voting ex-officio director of the Portland Community Media board of directors.

3.115.060 Annexations.

- A.** In the event the City annexes territory for which another public body having jurisdiction to issue a franchise has issued a franchise to construct, operate and maintain a cable communications system, then franchisee's rights and obligations shall continue after annexation as they existed before annexation until expiration of that franchise, except that:
- 1.** After annexation the City shall have all rights under the franchise of the issuing public body, including without limitation all rights to regulate, to collect and use franchise fees, regulation of system construction and operation within the annexed area, and rights to insurance, indemnification and other protections; and
 - 2.** After annexation the franchisee's obligations under the franchise regarding system construction and operation and other franchise requirements within the annexed area shall be to the City rather than to the issuing public body.
- B.** Nothing in this Section shall be deemed to modify the rights or obligations of the City or grantees under other franchises.

3.115.070 Cable Television Consumer Protection.

On behalf of the City, the Commission shall enforce the cable television consumer protection standards set forth in Sections 3.115.080 through 3.115.140.

3.115.080 Definitions.

Unless the context indicates otherwise, words used in Sections 3.115.080 through 3.115.140 have the following meanings:

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- A. “Normal Business Hours”** means those hours during which most similar businesses in the City are open to serve customers. In all cases, Normal Business Hours must include some evening hours at least one night per week and some weekend hours.
- B. “Normal Operating Conditions”** means those service conditions which are within grantee’s control. Conditions which are not within grantee’s include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Conditions which are ordinarily within the grantee’s control include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system. Grantees must adjust staffing and operations to maintain compliance with the service standards in anticipation of events and conditions within grantee’s control.
- C. “Service Interruption”** means the loss of picture or sound on one or more cable channels.

3.115.090 Local Office and Office Hours.

Grantees shall have customer service center and bill payment locations open at least during Normal Business Hours. Grantees shall locate customer service center and bill payment offices at locations that are convenient to subscribers and the public. Grantee customer service centers must be adequately staffed and able to respond to subscribers and the public not less than 50 hours per week, with a minimum of nine hours per day on weekdays and five hours on weekends excluding legal holidays. As used herein, "adequately staffed" means customer service representatives are available to respond to customers who come to the service center in at least the following ways:

- A.** To accept payments;
- B.** To exchange or accept returned converters or other company equipment;
- C.** To respond to inquiries; and
- D.** To schedule and conduct service or repair calls.

3.115.100 Telephone Answering Standard.

- A. Cable system office hours and telephone availability.** Grantees shall maintain a local, toll-free or collect call telephone access line which shall be available to its subscribers 24 hours a day, seven days a week. Grantees shall provide, in at least one prominent location, an easily identifiable telephone number for local customer service on all bills, account statements or statements of service to

grantee subscribers. Toll-free telephone lines, either staffed or with answering capability, providing at least emergency referral information, must be operational 24 hours a day, including weekends and holidays. Grantee must have trained representatives available to respond to customer telephone inquiries during Normal Business Hours. After Normal Business Hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received by grantee after Normal Business Hours must be responded to by a trained representative on the next business day.

- B. Telephone Answering Time.** Under Normal Operating Conditions, telephone answer time by grantee's customer representatives including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. Grantees shall meet these standards no less than ninety (90) percent of the time under Normal Operating Conditions, measured on a calendar quarterly basis.
- C. Busy Phones.** Under Normal Operating Conditions, the customer shall receive a busy signal less than three (3) percent of the time.

3.115.110 Installations, Disconnections, Outages And Service Calls.

Under Normal Operating Conditions, grantees shall meet each of the following standards shall be met no less than ninety five (95) percent of the time measured on a quarterly basis:

- A.** Standard installations shall be performed within seven (7) business days after an order has been placed.
- B.** Under Normal Operating Conditions, grantee shall begin work on Service Interruptions promptly and no later than 24 hours after the interruption becomes known. Grantee must begin working on other service problems the next business day after notification of the service problem. Working on Service Interruptions must be more than merely acknowledging that a service interruption has occurred.
- C.** The appointment alternatives for installations, service calls and other installation activities shall be either a specific time or, at maximum, a four-hour time block during Normal Business Hours. Grantee may schedule service calls and other installation activities outside of Normal Business Hours for the express convenience of the customer.
- D.** Grantee shall be deemed to have honored a scheduled appointment under the provisions of this section when a technician arrives within the agreed upon time and, if the subscriber is absent when the technician arrives, the technician leaves written notification of arrival and return time, and a copy of that notification is kept by the grantee.

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- E.** Grantee may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. Rescheduling an appointment is an independent obligation and does not necessarily excuse the missed appointment.
- F.** If grantee's representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer shall be contacted. The appointment shall be rescheduled, as necessary, at a time which is convenient for the customer.

3.115.120 Notice Requirements.

- A.** Notifications to subscribers. Grantee shall provide written information on each of the following areas at the time of service installation, at least annually to all subscribers, and at any time upon request:
 - 1.** Products and services offered;
 - 2.** Prices and options for programming services and conditions of subscription to programming and other services;
 - 3.** Installation and service maintenance policies;
 - 4.** Instructions on how to use the cable service;
 - 5.** Channel positions programming carried on the system; and,
 - 6.** Billing and complaint procedures, including the address and telephone number of the City's Office of Cable Communications and Franchise Management.
- B.** Grantee shall notify customers of any changes in rates, programming services or channel positions as soon as possible in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the grantee. In addition, grantee shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by this Section. Grantees are not required to provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any Federal agency, State, or franchising authority on the transaction between the operator and the subscriber.

3.115.130 Billing.

- A. Bill Statements.** Grantee bills shall be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills shall also clearly delineate all activity during the billing period, including optional charges, rebates and credits. In case of a billing dispute, grantee must respond to a written complaint from a subscriber within seven (7) calendar days.
- B. Refunds.** Grantee shall issue refund checks promptly to customers, but no later than either the customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier. Grantee may withhold a refund pending the customer returning the equipment supplied by grantee if service is terminated.
- C. Credits.** Grantee shall issue credits for service no later than the customer's next billing cycle following the determination that a credit is warranted.

3.115.140 Reporting.

Grantees shall file reports to the Commission on a quarterly basis showing the performance of grantee customer service standard obligations under Sections 3.115.080 through 3.115.140. The quarterly reports shall cover the periods January 1 through March 31; April 1 through June 31; July 1 through September 31; and October 1 through December 31. The reports shall be due no later than 30 days following the end of a quarter. The reports shall include, at a minimum, figures and narrative indicating performance of the following standards for:

Local office hours

Telephone call center hours

Telephone answering

Busy signal statistics

Standard installations

Service interruptions

Appointment windows: made, cancelled, and rescheduled

Notice requirements

Billing (refunds and credits)

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Chapter 3.116

WATERWAYS ADVISORY COMMITTEE

(Added by Ordinance No. 150413,
effective Sept. 17, 1980.)

Sections:

- 3.116.010 Created - Organization.
- 3.116.020 Procedures and Rules.
- 3.116.030 Duties.

3.116.010 Created - Organization.

(Amended by Ordinance Nos. 182671 and 184046, effective September 10, 2010.) There hereby is created an advisory committee to the Commissioner In Charge of the Bureau of Planning and Sustainability to be known as the Waterways Advisory Committee, consisting of not less than 7 nor more than 11 voting members who shall serve without compensation. The Commissioner In Charge shall appoint the members of the Committee, the members to serve for a term of 2 years at the pleasure of the Commissioner In Charge. The president of the Planning and Sustainability Commission or his or her representative shall be a member of the Committee.

3.116.020 Procedures and Rules.

The Waterways Advisory Committee shall establish its own rules, bylaws, and provide the procedure for all matters for consideration or action by the Committee. The Committee shall hold meetings at such time as is set by the body at any other time at the call of the Chairman.

3.116.030 Duties.

(Amended by Ordinance No. 184046, effective September 10, 2010.) Members of the Waterways Advisory Committee shall:

- A.** Review any zoning Code amendment relating to waterways before it is presented to the Planning and Sustainability Commission, make its finds available to the Planning Commission and City Council;
- B.** Review and comment to the Planning and Sustainability Commission and City Council on public or private riverfront development proposals that are potentially in conflict with the City's Greenway Plan.

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- C.** Identify opportunities for City encouragement of commercial, residential, recreational, transportational and educational development that fulfills public goals.
- D.** Review the status of plans for publicly constructed segments of the Greenway path and suggest priorities for those segments.
- E.** Make recommendations to the Planning and Sustainability Commission and City Council for the development of City procedure to facilitate applicants' needs for a speedy and certain regulatory process and City policies consistent with such a goal.
- F.** Make recommendations to the Planning and Sustainability Commission and City Council on City policies governing use and development of the City's waterways.

Chapter 3.120

**METROPOLITAN ARTS
COMMISSION**

(Added by Ordinance No. 157240;
repealed by Ordinance No. 168592,
effective Mar. 8, 1995.)

Chapter 3.122

**ECONOMIC IMPROVEMENT
DISTRICTS**

(New Chapter substituted by
Ordinance No. 164665,
effective Sept. 18, 1991.)

Sections:

3.122.010	Purpose.
3.122.020	Definitions.
3.122.030	Council Control.

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3.122.040	Statutory Provisions Applicable.
3.122.050	Preliminary Institution of Economic Improvement District
3.122.060	Final Plan and Ordinance Preparation.
3.122.070	Consideration of Final Plan and Ordinance.
3.122.080	Notice to Owners.
3.122.090	Exemption Process.
3.122.100	Hearing and Resolution Establishing District.
3.122.110	Preparation and Notice of Assessments.
3.122.120	Hearing on Assessments.
3.122.130	Amendments to Ordinance.
3.122.140	Limitation on Assessments.
3.122.150	Limitation on Boundaries.
3.122.160	Continuation of Assessments.
3.122.170	Expenditure of Moneys.
3.122.180	Cost of Administration.
3.122.190	Limitation on Expenditures.
3.122.200	Administration
3.122.210	Early Termination.
3.122.220	Surplus.
3.122.230	Entry and Collection of Assessments.

3.122.010 Purpose.

The purpose of this Chapter is to establish procedures for the creation of two types of Economic Improvement Districts, one in which the assessment is mandatory and applied to all properties except Exempt Properties, the second type in which the property owner can decide whether to be assessed, a voluntary assessment, as authorized by state law. The City will be ultimately responsible for administering and operating any Economic Improvement District , although the administration and operation may be carried out by others under contract with the City. All costs of administering and operating any Economic Improvement District will be paid entirely from assessments and fees actually received from the District; the City will not pledge its credit on behalf of the District; and the City will not loan funds to the District.

3.122.020 Definitions.

The following words and phrases when used in this Chapter shall have the following meanings, except where the context requires a different meaning:

- A. “Advisory Committee”** means a committee of persons representative of the owners and tenants of property within an Economic Improvement District and may consist of an existing association of property owners or tenants or both.
- B. “Commissioner In Charge”** means the commissioner in charge of the lead bureau.

C. “Economic Improvement” means:

1. The planning or management of development or improvement activities.
2. Landscaping, maintenance and provision of security for public areas.
3. The promotion of commercial activity or public events.
4. The conduct of activities in support of business recruitment and development.
5. The provision of improvements in parking systems or parking enforcement.
6. Any other economic improvement activity that specially benefits property. “Economic improvement” does not include any services to be provided on private property.

D. “Preliminary Economic Improvement Plan” means a plan prepared by the property owners or tenants within the proposed District or their designees setting out:

1. A description of economic improvements proposed to be carried out;
2. The number of years, to a maximum of three, in which assessments are proposed to be levied;
3. A preliminary estimate of annual cost of the proposed economic improvements;
4. The proposed boundaries designated by map or perimeter description of an Economic Improvement District within which subject properties would be assessed to finance the cost of the economic improvements;
5. The proposed formula for assessing the cost of the economic improvements against subject properties;
6. A preliminary estimate of the cost of City administration of the proposed Economic Improvement District;
7. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and

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- a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
 - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
 - 8. A statement of why the proposed economic improvements are not likely to be satisfactorily and equitably accomplished except through establishment of an Economic Improvement District.
- E. **“Final Economic Improvement Plan”** means a plan setting out:
 - 1. A description of economic improvements to be carried out;
 - 2. The number of years, to a maximum of three, in which assessments will be levied;
 - 3. The annual cost of the proposed economic improvements;
 - 4. The boundaries designated by map or perimeter description of the Economic Improvement District within which subject properties will be assessed to finance the costs of the Economic Improvement District;
 - 5. The formula for assessing the cost of the economic improvements against subject properties;
 - 6. A statement whether the assessment will be a voluntary assessment or mandatory assessment, and
 - a. If voluntary, that the scope and level of improvements could be reduced depending upon the amount of money collected; or,
 - b. If mandatory, that the assessment will be considered a tax under the Oregon Constitution, Art. XI § 11b and it may be reduced to fit within the property tax limitation thereby affecting the scope and level of services described; and
 - 7. The cost of City administration of the Economic Improvement District.
- F. **“Lead bureau”** means the City office, bureau or commission determined by the Mayor to have the principal interest in a proposed Economic Improvement District.

- G.** “**Lot**” means a lot, block, or parcel or land.
- H.** “**Owner**” means the owner of the title to real property or the contract purchaser of record as shown on the last available complete assessment roll in the Office of the County Assessor.
- I.** “**Subject Properties**” means the real property within an Economic Improvement District except for Exempt Property.
- J.** “**Exempt Property**” means:
- 1.** Residential real property and any portion of a structure used for residential purposes. In the event a structure is used for both residential and non-residential purposes, the land on which the structure is located shall not be Exempt Property. For purposes of this subsection, “residential real property” and “residential purposes” shall not include hotels and hotel uses, as defined in Section 33.12.420 of this Code, and motels and motel uses, as defined in Section 33.12.560 of this Code, but shall include hotel and hotel uses if, for the entire hotel or entire hotel use:
 - a.** The average rent per unit is less than \$2 per day, or
 - b.** A majority of the units regularly are occupied by the same tenants for more than 30 consecutive days, or
 - c.** A majority of the units regularly are occupied by occupants who pay for lodging on a monthly basis.
 - 2.** Property owned or being purchased by religious organizations including:
 - a.** All houses of public worship; and other additional buildings and property used solely for administration, education, literary, benevolent, charitable, entertainment, and recreational purposes by religious organizations, the lots on which they are situated, and the pews, slips, and furniture therein. However, any part of any house of public worship or other additional buildings or property which is kept or used as a store or shop or for any purpose other than those stated in this Section shall not be exempt property.
 - b.** Parking lots used for parking or any other use as long as that parking or other use is permitted without charge.
 - c.** Land and the buildings thereon held or used solely for cemetery or

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crematory purposes, including any buildings solely used to store machinery or equipment used exclusively for maintenance of such lands.

- K.** “**Task Force**” means a committee whose membership consists of representatives of those City offices, bureaus, and commissions that have a significant interest in a proposed Economic Improvement District and a representative appointed by the Advisory Committee. The City Auditor or a representative designated by the City Auditor shall be a member of each Task Force.

3.122.030 Council Control.

Whenever the Council determines that economic improvements would be appropriate and would afford a special benefit to subject properties within a particular District, the Council, subject to the provisions of this Chapter, may establish an Economic Improvement District and provide for payment of all or a portion of the cost by collection of assessments on either a mandatory or voluntary basis. The Council may decline for any reason within its sole discretion to establish a proposed Economic Improvement District. This Chapter shall not give to any person the right to have an Economic Improvement District established.

3.122.040 Statutory Provisions Applicable.

Statutory provisions applicable to Economic Improvement Districts shall be followed by the City and by owners in all cases. The provisions of this Chapter are intended to supplement and to implement the statutory provisions.

3.122.050 Preliminary Institution of Economic Improvement District.

- A.** The Council shall consider creation of an Economic Improvement District whenever owners of Subject Properties file with the Auditor a petition for the establishment of a District containing the signatures of the owners of 33 percent or more of the area or of the assessed value of subject properties within the proposed District or whenever a City Commissioner or the Mayor files a report recommending the establishment of a District. A petition or report shall contain a Preliminary Economic Improvement Plan.
- B.** The Council may adopt a resolution directing the lead bureau to begin the Economic Improvement District formation process if the Council finds that:
- 1.** The costs of administering the proposed Economic Improvement District would not be substantial in relationship to the cost of the economic improvements;
 - 2.** It is not likely that the economic improvements would be satisfactorily and equitably accomplished except through establishment of the Economic Improvement District;

3. Establishment of the Economic Improvement District would be in the public interest;
 4. In the case of a District intended to impose a mandatory assessment, that the assessment can be accommodated within the property tax limitation and City budget; and
 5. The economic improvements would afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public.
- C. The resolution may contain such revisions to the preliminary economic improvement plan as the Council deems appropriate based on the criteria set out in Paragraphs 1 through 5 of this Subsection and shall designate those City offices, bureaus, and commissions to be represented on the task force for the proposed District.
- D. Upon adoption by the Council of a resolution under Subsection B of this Section, the Mayor shall designate a lead bureau for the proposed Economic Improvement District from among those designated to be represented on the task force and shall refer the matter to the Commissioner In Charge.
- E. Immediately following the referral under Subsection D of this Section, the Commissioner In Charge shall appoint an advisory committee to assist the task force in development of the final economic improvement plan. The Commissioner shall strongly consider appointment of owners of property within the Economic Improvement District to the advisory committee. The Commissioner may appoint as the advisory committee an existing association of property owners or tenants or both. The task force shall encourage participation of the advisory committee in the plan development and administration process. The advisory committee shall appoint a representative to the task force.

3.122.060 Final Plan and Ordinance Preparation.

- A. Immediately following Council adoption of a resolution under Section 3.122.050 B, the head of each office, bureau and commission to be represented on the task force shall appoint its representative and the City Auditor shall appoint the city Auditor's representative, by notification to the head of the lead bureau.
- B. The City Auditor's representative shall provide to the task force a report setting out:
1. Whether the petitioners under Section 3.122.050 A are owners of subject

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property in the proposed District;

2. Delinquencies in taxes or City liens on subject properties in the proposed District;
3. The true cash value of all real property located within the proposed District; and
4. The zoning of land within the District, including verification that only land zoned for commercial or industrial use is included within the District.

C. The lead bureau shall be responsible for preparing the documents referred to in Subsection D.

D. The task force shall prepare for the Commissioner In Charge a report recommending whether the owners of property within the proposed Economic Improvement District shall be formally notified of the proposal to establish the District, taking into consideration the criteria set out in Section 3.122.050 B. If the report recommends formal notification, the report shall include a proposed Final Economic Improvement Plan and the report of the City Auditor's representative provided under Subsection B. The report also shall include a proposed ordinance that:

1. States the Council's intention to proceed with formal notification regarding the proposed Economic Improvement District;
2. States whether the assessments will be mandatory or voluntary;
3. Contains the information in the Final Economic Improvement Plan, which may be included by attachment of the Plan as an exhibit; and
4. Directs notice to be given in the manner provided by PCC 3.122.080.

3.122.070 Consideration of Final Plan and Ordinance.

A. If the Commissioner in Charge deems it appropriate, the Commissioner shall file for Council consideration the report and ordinance prepared under Section 3.122.060 D.

B. On consideration of the report and ordinance, the Council may approve, modify, or reject the report including any aspect of the Final Economic Improvement Plan, and the ordinance. If the Council determines that the proceedings for the proposed Economic Improvement District should go forward, the Council shall adopt the ordinance including any modifications.

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3.122.080 Notice to Owners.

- A.** Following adoption of the ordinance under Section 3.122.070 B, the Auditor shall mail notice to the property owners within the proposed Economic Improvement District which contains the following information:
- 1.** The Council's intent to form an Economic Improvement District.
 - 2.** Benefitted properties will be assessed unless it is a voluntary assessment in which case only property owners who specifically request to be assessed will be assessed. An owner who fails to submit a written objection before or at the public hearing on assessment shall be deemed to have made a specific request to be assessed.
 - 3.** The formula for determining the amount of the assessment.
 - 4.** The scope of the improvements and that the description of the boundaries of the proposed District and the full scope of the project are on file with the Auditor and where the file can be viewed. It should state that:
 - a.** In the case of a voluntary assessment the scope and level of the improvements may be reduced depending on the amount of money collected; or
 - b.** In the case of a mandatory assessment the scope and level of the improvements may be reduced if the amount of the assessment is compressed to fit within the property tax limitation imposed by the Oregon Constitution, Art. XI § 11b.
 - 5.** The estimated cost of the proposal, and that it may be reduced to the amount of money actually received.
 - 6.** The date, time and place of the hearing and that the proposal could be modified as a result of public testimony.
 - 7.** The classification or types of properties which are exempt and that a request for an exemption on an enclosed form must be filed not later than 21 days after the notice is mailed.
 - 8.** In the case of a voluntary assessment that it is an incurred charge and is not a tax and is a charge outside the property tax limitations in the Oregon Constitution, Art. XI, §11b.

3.122.090 Exemption Process.

- A.** Property within the proposed District is conclusively presumed subject to assessment unless the owner files with the Auditor a claim for exemption not later than 21 days after the date of mailing or personal delivery of the notice.
- B.** The Auditor, in his or her discretion, may audit a claim or claims for exemption to determine whether property claimed to be exempt from assessment is exempt property. The audit may include review of such evidence as the Auditor deems appropriate and may include a viewing of the property. In the event the Auditor determines that the property for which an exemption is claimed is not exempt, the Auditor shall give the owner written notice of the determination and the reasons , by mail or personal delivery. The notice shall give the owner 10 days time within which to provide written evidence as to why the property is exempt. In the event the owner provides no written evidence within the time allowed, the property conclusively shall be presumed not to be exempt property. In the event the owner submits written evidence, the Auditor shall review the evidence and either approve or disapprove the claim for exemption and provide written notice to the owner, including a statement of the reasons for the Auditor's decision. The Auditor's approval or disapproval following review of the evidence shall be final.

3.122.100 Hearing and Resolution Establishing District.

- A.** The Council shall hold a public hearing on the proposed Economic Improvement District at the time and place stated in the notice to owners of properties. The public hearing shall be held no sooner than 30 days after mailing the notice The Council may continue the hearing to such other time and place as it may deem appropriate. At the hearing, persons supporting or objecting to the proposed improvement and assessment shall be entitled to be heard.
- B.** If the Council, at the conclusion of the hearing, finds that the economic improvements will afford a special and peculiar benefit to subject properties within the Economic Improvement District different in kind or degree from that afforded to the general public and that the Economic Improvement District should be established, then the Council may adopt a resolution stating those findings and establishing the District.

3.122.110 Preparation and Notice of Assessments.

- A.** Following Council adoption of a resolution establishing an Economic Improvement District based on the final Economic Improvement Plan, the Auditor shall prepare the proposed assessment for each lot in the District that is a subject property and shall file a proposed assessment ordinance, with a list of proposed assessments attached, with the City Council. The amount of assessment

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shall be based on the cost of the economic improvements and the cost of City administration of the Economic Improvement District.

B. Following preparation of the proposed assessments, the Auditor shall mail to the owner of each lot to be assessed a notice containing the following information:

- 1.** The description of the property being assessed.
- 2.** The name of the District and whether it is a voluntary or mandatory assessment. In the case of a voluntary assessment a statement that the property will be assessed unless the property owner specifically requests in writing not to be assessed.
- 3.** The length of the District and the total cost of the project, the assessment formula, and the amount of the assessment on the property.
- 4.** The assessment will not change unless the Council finds it exceeds the benefit of the improvements, but the total amount and scope of the improvements and level of services could change to correspond to the amount of money collected. Further, the scope of the improvements and level of services could change as a result of the testimony.
- 5.** The time, date and place of the hearing and that the following forms of objection may be filed:
 - a.** A written objection to being assessed in which case no assessment will be placed on the property if it is a voluntary assessment. An owner who fails to submit a written objection before or at the public hearing shall be deemed to have made a specific request for the economic improvement service to be provided during the time specified in the assessment ordinance;
 - b.** An objection to the amount of the assessment on the grounds it is incorrect or exceeds the amount of benefit; and
 - c.** An objection to the formation of the District.
- 6.** A written objection may be filed with the Auditor prior to the hearing or made orally at the hearing. An objection to the assessment must explain the reasons the assessment is incorrect or exceeds the amount of benefit.
- 7.** The assessment is due and payable immediately, and whether it may be paid in installments. The amount of interest if any and the fact there will

be billing charges. The unpaid balance will become a lien on the property and failure to pay could result in foreclosure.

8. A voluntary assessment is an incurred charge and is a charge outside the property tax limitation imposed by the Oregon Constitution, Art. XI, §11b.
9. Property included in the District and assessed cannot be withdrawn from the District and the assessment will continue through the life of the District.
10. The name and phone number of a City staff person who can answer questions.

3.122.120 Hearing on Assessments.

- A. The Council shall hold a public hearing on the proposed assessment ordinance. The public hearing shall be held no sooner than 30 days after mailing the notice. The Council may continue the hearing to a date and time certain. At the hearing, property owners supporting or objecting to being assessed, to the amount of the assessment or to the formation of the District, shall be entitled to be heard.
- B. Written objections shall be considered to have been received by the Council at the hearing if actually received at the hearing or if received by the Auditor prior to commencement of the hearing. A written objection signed by a person purporting to have authority as agent or attorney to sign an objection on behalf of an owner shall be considered received from the owner only if there is included with the objection a copy in writing of the authority to act on behalf of the owner.
- C. If the Council at the hearing receives written objections to the formation of the District from owners of property upon which more than 33 percent of the total value of assessments are levied, then the Economic Improvement District shall not be established and assessments shall not be made.
- D. At the hearing, the Council shall consider any objections and may adopt, correct, modify, revise the proposed assessment ordinance. In the case of a voluntary assessment, the Council shall exclude from assessment property which the owner has requested be omitted from assessment. The request shall be made in writing and submitted prior to the close of the hearing.

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3.122.130 Amendments to Ordinance.

- A.** At the hearing under Section 3.122.100, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070. The procedures required by Sections 3.122.080 and 3.122.100 shall be repeated if the amendment:
 - 1.** Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment;
 - 2.** Increases the likely assessment upon one or more properties; or
 - 3.** Enlarges the Economic Improvement District;
- B.** At the hearing under Section 3.122.120, the Council may amend by ordinance the initial ordinance adopted under Section 3.122.070 as subsequently amended. If the amendment increases the likely assessment upon one or more properties, then the procedures required by Sections 3.122.110 and 3.122.120 shall be repeated. The procedures required by Section 3.122.080 through 3.122.120 shall be repeated if the amendment:
 - 1.** Changes the economic improvements to be carried out except this provision shall not apply to a voluntary assessment; or
 - 2.** Enlarges the Economic Improvement District.

3.122.140 Assessments.

- A.** The Council shall not levy assessments in an Economic Improvement District in any year that exceed one percent of the true cash value of all the real property located within the District.
- B.** Any new owner of benefitted property or any owner of benefitted property who excluded the property from assessment by submitting written objections may subsequently agree to the assessment of the property. The Council shall apply the assessment formula to the property and apportion the costs to the property for the remaining time in which the assessment is levied.
- C.** The assessed property may not be relieved from liability for that assessment for any reason including change of ownership.

3.122.150 Limitation on Boundaries.

The Council shall not include within an Economic Improvement District any area of the City that is not zoned for commercial or industrial use.

3.122.160 Continuation of Assessments.

If the Council has established an Economic Improvement District and thereafter determines that it is necessary to levy assessments upon subject property in the District for longer than the period of time specified in the assessment ordinance that created the District, the Council shall enact an ordinance that provides for continued assessments for a specified number of years, to a maximum of three. The assessment of lots under such an ordinance shall be subject to the procedures required by Sections 3.122.110 and 3.122.120.

3.122.170 Expenditure of Moneys.

Money derived from assessments levied under this Chapter and from interest earned on that money shall be spent only for the economic improvements and for the cost of City administration of the Economic Improvement District described in the final Economic Improvement Plan. Subject to the requirements of any labor agreements to which the City is a party and to any applicable requirements of state law, the Council in its discretion may authorize an agreement or agreements with the advisory committee appointed under Section 3.122.050 D for the committee to provide all or part of the economic improvements described in the final economic improvement plan.

3.122.180 Cost of Administration.

The cost of City administration of an Economic Improvement District shall include the actual cost of administrative services provided by the City related to the District.

3.122.190 Limitation on Expenditures.

Money spent for carrying out a final Economic Improvement Plan shall be limited to money actually received from assessments or from other public or private contributions to assist in carrying out the Plan.

3.122.200 Administration.

The task force for an Economic Improvement District shall be responsible for administration of the economic improvements to be carried out. With the concurrence of the head of the lead bureau, the task force may designate an employee of the lead bureau as the person responsible for day to day administration of the economic improvements. In the event the task force determines that the economic improvements should be performed by a contractor or contractors, the task force shall prepare for Council consideration contracts for the work. In each case, the contract for work shall include not less than the following:

- A.** A description of the work to be done;
- B.** A description of the method of compensation for the work;

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- C.** A description of records to be kept by the contractor to evidence performance of the work and of the documentation to be provided to the City to justify payment for work;
- D.** A description of any liability to be born and insurance to be provided by the contractor; and
- E.** A description of the rights of the City to terminate the contract prior to its completion.

3.122.210 Early Termination.

The City Council may terminate the activities of an Economic Improvement District in whole or in part prior to the normally scheduled termination date for the District by an ordinance. However, all applicable contract issues shall be resolved before activities are terminated. In the event of early termination, those funds remaining from assessments for the District, following payment of all obligations and costs of administration incurred on behalf of the District, shall be returned to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District. In the event of early termination of only a part of the activities of an Economic Improvement District, the City Council, in the termination ordinance, may elect to apply remaining funds on a similarly proportionate basis as a credit against future District assessments against subject properties, with any funds remaining being returned to the owners as otherwise provided herein.

3.122.220 Surplus.

In the event, following the normally scheduled termination of an Economic Improvement District, including the payment of all obligations and costs of administration incurred on behalf of the District, there remain excess funds from assessments paid by owners of subject properties, then the City Council, by ordinance, shall provide for either:

- A.** The return of the excess funds to the owners of subject properties in amounts proportionate to the amounts of the assessments they paid for the District;
- B.** Use of the excess funds for continued provision of the economic improvements until the excess funds are fully spent; or
- C.** Use of part of the excess funds as provided in B and return of the balance of the excess funds as provided in A.

3.122.230 Entry and Collection of Assessments.

- A.** On adoption of an assessment ordinance under Section 3.122.120 D, the City Auditor shall enter each assessment in the docket of City liens. All such assessments shall be collected in the same manner as local improvement assessments and failure to pay may result in foreclosure in the same manner as provided for other assessments.
- B.** The assessments may be paid in semi-annual payments, however the City may charge a billing fee.

3.122.240 Economic Improvement Fund.

(Repealed by Ordinance No. 170223, effective July 1, 1996.)

**Chapter 3.123
PORTLAND UTILITY REVIEW BOARD**

(Replaced by Ordinance No. 177275,
effective March 21, 2003.)

Sections:

- 3.123.010 Created - Purpose.
- 3.123.020 Scope.
- 3.123.030 Membership.
- 3.123.040 Appointments - Composition.
- 3.123.050 Recruitment Process.
- 3.123.060 Terms.
- 3.123.070 Standing Committees.
- 3.123.080 Staffing.
- 3.123.090 Meeting Schedule.
- 3.123.100 By-Laws.
- 3.123.110 Annual Report and Work session.

3.123.010 Created - Purpose.

A Portland Utility Review Board is hereby created. The Board's purpose is to advise the City Council, on behalf of and for the benefit of the citizens of Portland, on water, sewer, stormwater and solid waste financial plans and rates. The Board will advise Council on the establishment of fair and equitable rates, consistent with customer needs, legal mandates, existing public policies, operational requirements, and the long-term financial stability and viability of the utilities.

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3.123.020 Scope

The Board shall perform the following functions:

- A.** Participation in the financial planning process. The Bureau of Water Works, the Office of Sustainable Development and the Bureau of Environmental Services use multi-year financial planning to prioritize programs and to project operating and capital costs associated with policies and programs, and to estimate overall rate impacts. The bureaus update their financial plans throughout the year to reflect significant changes in revenues or requirements, and re-do the plans annually. The Board will review the proposed financial plans and revisions, and submit its findings and recommendations to the Council as part of the City's annual financial planning process.
- B.** Participation in the rate design process. The Board will make recommendations to the Council on the equitable distribution of rate adjustments among customer classes, as determined in the rate design process. The Board will report on proposed rate changes to the Council during the annual budget hearings and development processes for water, sanitary sewer, stormwater and solid waste rates. The Board will also participate in the periodic review and analysis of alternative rate designs proposed by Council. The Board shall report on other city activities or proposed policies with significant impacts to water, sewer and solid waste rates.
- C.** Relationship to other citizen advisory groups. The Council and the bureaus may form other groups, as necessary, to advise on utility matters. The Board and its staff will exchange information with these other advisory groups to coordinate policy advice to the Council and the bureaus.
- D.** Relationship to other interested parties. The Board's primary responsibility and duties are to advise the Council, and its deliberations and recommendations shall be directed to Council accordingly. The Board may also share the results of its deliberations and recommendations delivered to Council with interested individuals and groups including neighborhoods, business associations, and public interest groups.

3.123.030 Membership.

The Board shall have nine (9) permanent members. The Mayor shall appoint the Chair of the Board. Five members shall constitute a quorum of the Board.

3.123.040 Appointments - Composition.

- A.** General Criteria. All members must reside in or work predominantly in the City of Portland and have an interest in sewer, water and solid waste issues, such as

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system development and maintenance, service delivery, service costs and impacts on low-income households, economic development, conservation or environmental concerns. In making appointments, the Mayor and City Council will attempt to have a range of professional and academic expertise, and volunteer experience, represented on the Board in disciplines such as accounting, civil engineering, conservation, environmental sciences, health sciences, public administration, urban planning, or utility economics. In making Board appointments, the Mayor and Council shall strive to have a Board which reflects the diversity of the Portland community, especially regarding customer classes, income levels, cultural and ethnic identity, geographic location, age and gender.

- B.** Restrictions. No individual with any direct financial interest in a city utility or solid waste franchises, whether by ownership, employment, contract or otherwise, shall be appointed to or serve on the Board.
- C.** Board Appointments. Board members shall be appointed by the Mayor and confirmed by the Council. Any Council member may submit recommendations to the Mayor on potential appointments to the board. Nominations shall reflect four general categories:
 - 1.** Residential Geographic Representation. The Mayor will seek nominations from neighborhood associations, district coalitions and residential customers (renters and land owners) in various City neighborhoods. Three seats shall be filled from residential geographic nominations. The Mayor will appoint members representing residential customers from each of three geographic areas within the City comprised of:
 - a.** West Portland - the area west of the Willamette River,
 - b.** Northeast/Southeast Portland - the area east of the Willamette River and west of Interstate 205, and
 - c.** East Portland - the area east of Interstate 205.
 - 2.** Public Interest Advocacy. The Mayor will seek nominations from organizations working to support low and moderate income issues, environmental concerns, senior, fixed income and special needs populations. Two seats shall be filled from public interest advocacy nominations. The council will strive to create diversity in making nominations for these two seats.
 - 3.** Large Commercial/Industrial Businesses: The Mayor will seek nominations from businesses which have a current industrial discharge permit, discharge at least 10,000 gallons per day of waste-water to the

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sewer system, or use 10,000 cubic feet of water per month. One seat shall be filled from commercial/industrial business nominations.

4. Local Businesses: The Mayor will seek nominations from businesses headquartered in the City that predominantly serve Portland-area residents. Retail, service or neighborhood businesses, and those not otherwise meeting the Large Commercial/Industrial category criteria, are eligible for inclusion in this category. One seat shall be filled from local business nominations.
5. At-Large: To provide flexibility in meeting the Board's goal of membership diversity, the Mayor will appoint one member from applications received "at-large." Any individual or any group interested in participating on the Board may submit nominations in this category. Two seats shall be filled from At-Large nominations.

- D. Council Liaisons. Each member of the City Council may appoint one member of their staff to serve as a representative of their office to the Board. These representatives shall serve as communications contacts and shall not have voting privileges.

3.123.050 Recruitment Process.

- A. Board positions and vacancies will be announced to local media publications and broadcasts, including local neighborhood newspapers, cable stations and radio, with a goal of widespread outreach. Nomination requests will also be sent to the city's Neighborhood Associations and District Coalition Boards, to consumer advocacy and environmental interest groups, and to Business District associations. The City's standard Boards and Commissions application form shall be used, with all nominations to be submitted to the Mayor's office.
- B. The City's staff to the Board shall develop and keep current a list of publications to meet the requirements described in Subsection A. of this Section.
- C. City Council members shall also seek nominations for the Board through publications or communications generated in their offices.

3.123.060 Terms.

- A. Board members will serve, without compensation, for a term of two years. The terms of each member shall run from the date of the City Council's confirmation of the member's appointment, or such other date as the Council may establish.

- B.** No member may serve on the Board for more than six consecutive years. The Board shall develop a brief process and/or form for recommendations to the Mayor in regard to members desiring reappointment.
- C.** If any member of the Board is absent more than three regularly scheduled meetings of the Board during any twelve-month period, without having notified the Chair in advance of such absence, such member shall be deemed to have resigned from the Board. The member's position shall thereafter be vacant and subject to appointment by the Mayor.
- D.** The Mayor may remove any member of the Board at his or her discretion for due cause, including but not limited to malfeasance or neglect of duties.

3.123.070 Standing Committees.

- A.** The Board may at any time establish standing committees of at least three individuals to address specific issues related to the Board's purpose.
- B.** The Board Chair, one other member of the Board, as approved by a majority vote of all Board members, and any Council liaisons to the Board will serve as the Board Executive Committee. The Executive Committee will facilitate on-going communication between the Board, the City Council, the Board staff, and the bureaus.
- C.** The Board may designate more specific roles and responsibilities for the Executive Committee and any standing committee in the Board by-laws.

3.123.080 Staffing.

The Office of Management and Finance will provide staffing for the Board, with logistical and topic-related support from the Bureau of Water Works, the Bureau of Environmental Services, the Office of Sustainable Development and other bureaus or agencies as needed.

3.123.090 Meeting Schedule.

The Board shall meet once monthly on a regular date established in the Board by-laws. Additional meetings may be scheduled during annual budget and rate review periods as determined by the Board Chair. The Board's Executive Committee and other standing committees will meet on an as-needed basis.

3.123.100 By-Laws.

The Board shall adopt by-laws to govern its procedures within the purposes of this chapter that shall not conflict with any portion of this ordinance and which are subject to the approval of the Commissioner in Charge of the Board. These by-laws shall include specifications concerning selection and tenure of standing committee chairs, division of

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responsibilities, attendance policies, meeting schedules, as well as communications between the Board and City agencies, the media and the general public, and any other appropriate matters.

3.123.110 Annual Report and Work session.

- A.** By September 30 of each year, the Board shall prepare and submit to the Council an annual report summarizing the work performed by the Board during the previous fiscal year (July 1 through June 30). The annual report shall include, but need not be limited to, a summary of issues reviewed and analyzed; a list of briefings and reports received from staff, outside experts and other informed parties; a summary of recommendations forwarded to the Council; and a summary of Council action on the recommendations.
- B.** Upon the completion of each Annual Report described in Subsection 3.123.110 A. of this section, the Board shall participate in a work session with the City Council. The purpose of this work session is to present the Annual Report and to create a work plan for the upcoming year.

Chapter 3.124

**PORTLAND OFFICE OF
EMERGENCY MANAGEMENT**

(New Chapter added by Ordinance
No. 178616, effective July 21, 2004.)

Sections:

- 3.124.010 Definitions.
- 3.124.020 Portland Office of Emergency Management.
- 3.124.030 Purpose.
- 3.124.040 Organization.
- 3.124.050 Director's Powers and Duties.
- 3.124.060 Staff and Delegation.

3.124.010 Definitions.

(Amended by Ordinance Nos. 181352 and 182428, effective January 16, 2009.)

- A.** “Director” shall mean the director of the Portland Office of Emergency Management.
- B.** “Disaster” means an occurrence or threat of imminent widespread or severe damage, injury, or loss of life or property regardless of cause which in the determination of the Mayor or designated public official, causes or will cause significant damage as to warrant disaster assistance from outside City resources to supplement the efforts and available resources of the City to alleviate the damage, loss, hardship or suffering caused.
- C.** “Disaster Policy Council” is the City’s policymaking body which advises the Mayor on public policy regarding pertinent decisions necessary in a disaster event. The DPC meets twice a year at the change of the President of the Council or at the Mayor’s request.
- D.** “Emergency” means any natural, technological or human caused, event or circumstance causing or threatening: loss of life, injury to persons or property, human suffering or financial loss including but not limited to fire, flood, earthquake, severe weather, drought, volcanic activity, explosion, spills or releases of petroleum products or other hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, unmanageable crisis, influx of migrants, civil disturbance, riot, sabotage and war.

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- E.** “Emergency Coordination Center” is the centralized location where local officials may coordinate activities and implement direction from the Mayor. The primary responsibility of the emergency coordination center is to provide information, policy direction, prioritization of resources, and coordination for any emergency or disaster.
- F.** “Emergency Management Committee” shall be designated bureau emergency coordinators established to develop and implement plans, programs and training exercises to promote integrated disaster response efforts.
- G.** “Emergency Operations Center” is a location where information from one bureau is collected to determine the tactical decisions and use of resources relative to the bureau’s mission, and responsibilities.

3.124.020 Portland Office of Emergency Management.

There is established by the City Council the Portland Office of Emergency Management as a part of the Mayor’s portfolio and charged with the implementation of Title 15, the Emergency Code.

3.124.030 Purpose.

(Amended by Ordinance No. 181352, effective October 10, 2007.) The purpose of the Portland Office of Emergency Management is to provide comprehensive emergency management planning in preparing for, mitigating against, responding to and recovering from emergencies and disasters. The Portland Office of Emergency Management has authority to coordinate City preparedness, mitigation, response and recovery actions.

3.124.040 Organization.

(Amended by Ordinance Nos. 180917 and 181352, effective October 10, 2007.) The Portland Office of Emergency Management (POEM) shall be directly responsible to the Mayor and, thereafter, to the City Council. All City Bureaus shall provide the POEM with necessary information and assistance in the times of emergency or disaster.

3.124.050 Director's Powers and Duties.

(Amended by Ordinance Nos. 181352 and 182428, effective January 16, 2009.) The Director of the Portland Office of Emergency Management shall:

- A.** Be responsible for managing the Office of Emergency Management;
- B.** Serve as the principle strategic advisor to the Mayor and Council on emergency management matters regarding the City’s preparedness and the plans for prevention, mitigation, response and recovery to and from natural and human caused emergencies and disasters;

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- C.** Lead and coordinate the activities of the City's Disaster Policy Council, Emergency Management Committee and the Emergency Management Steering Committee;
- D.** Oversee and coordinate development and maintenance of the City's overall Comprehensive Emergency Management Plan;
- E.** Be responsible for integrating emergency preparedness, mitigation, response and recovery related activities and programs both within the City and with outside organizations and agencies;
- F.** Review and propose amendments as necessary to all existing City emergency preparedness and management plans and, as appropriate, provide Council with the documentation necessary for its review and approval of the same.

3.124.060 Staff and Delegation.

(Amended by Ordinance No. 181352, effective October 10, 2007.)

- A.** The Director may appoint an Operations Manager who is accountable to the Director and other personnel necessary to carry out the provisions of this chapter, when in keeping with the adopted budget for the Portland Office of Emergency Management or specially funded projects.
- B.** The Director may delegate to his or her staff members any of the Director's duties when the Director is not available or able to perform those duties.
- C.** The Operations Manager shall succeed to all duties and responsibilities of the Director, including those specified by ordinance.
- D.** The line of succession for the POEM is: Director, Operations Manager, Training and Exercises Manager, Planning Manager, Community Emergency Services Manager, Senior Fire Liaison.

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Chapter 3.125

DISASTER POLICY COUNCIL

(New Chapter added by Ordinance
No. 178616, effective July 21, 2004.)

Sections:

- 3.125.010 Disaster Policy Council.
- 3.125.020 Powers and Duties.
- 3.125.030 Membership.
- 3.125.040 Staff Support to Disaster Policy Council.

3.125.010 Disaster Policy Council.

(Amended by Ordinance No. 181352, effective October 10, 2007.) There is hereby created a Disaster Policy Council (DPC) charged with providing policy oversight of integrated citywide emergency preparedness activities and initiatives and decision making guidance in response to citywide emergencies and disasters.

3.125.020 Powers and Duties.

(Amended by Ordinance No. 181352, effective October 10, 2007.) The Disaster Policy Council is the City's policymaking body which advises the mayor on public policy regarding pertinent decisions necessary in a disaster event. The DPC meets twice a year (January and July) at the change of the President of the Council or at the Mayor's request.

3.125.030 Membership.

(Amended by Ordinance Nos. 181352, 182389 and 182428, effective January 16, 2009.)
The Disaster Policy Council shall consist of the following members:

- A. The Mayor, who shall be Chair;
- B. Commissioner serving as President of the City Council, who shall be Vice Chair;
- C. City Auditor;
- D. Chief Administrative Officer;
- E. City Attorney;
- F. Director, Bureau of Emergency Communications;

- G.** Director, Portland Office of Emergency Management;
- H.** Chief of Portland Fire & Rescue;
- I.** Chief of Portland Police Bureau;
- J.** Director, Bureau of Transportation;
- K.** Director, Portland Water Bureau;

3.125.040 Staff Support to Disaster Policy Council.

(Amended by Ordinance No. 181352, effective October 10, 2007.) The Portland Office of Emergency Management shall provide staff support to the Disaster Policy Council.

Chapter 3.126

EMERGENCY MANAGEMENT COMMITTEE

(New Chapter added by Ordinance
No. 178616, effective July 21, 2004.)

Sections:

- 3.126.010 Powers and Duties of the Emergency Management Committee.
- 3.126.020 Emergency Management Committee Chair.
- 3.126.030 Membership.
- 3.126.040 Staff Support to Emergency Management Committee.
- 3.126.050 Emergency Management Steering Committee.

3.126.010 Powers and Duties of the Emergency Management Committee.

(Amended by Ordinance No. 181352, effective October 10, 2007.) There is hereby created an Emergency Management Committee, charged with developing and, after approval by the Disaster Policy Council and City Council, as appropriate, implementing plans, programs and training exercises to promote integrated disaster response efforts. The Emergency Management Committee will provide operational direction for implementation of the programs and policies established by the Disaster Policy Council.

3.126.020 Emergency Management Committee Chair.

(Amended by Ordinance Nos. 181352 and 182428, effective January 16, 2009.) The Emergency Management Committee shall be chaired by the Director, Portland Office of Emergency Management, or in his/her absence by the POEM Operations Manager. The

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Emergency Management Committee shall meet semi-annually or upon call of the Chair, or in his/her absence from the City, upon call of the POEM Operations Manager.

3.126.030 Membership.

(Amended by Ordinance No. 181352, effective October 10, 2007.) The Emergency Management Committee shall consist of designated bureau emergency coordinators from each city bureau. Bureau representatives shall be designated by bureau directors and shall be senior managers who are knowledgeable about their respective bureau mission and operations. Bureau directors shall be responsible for notifying the Portland Office of Emergency Management if there is a change in their designated bureau emergency coordinator.

3.126.040 Staff Support to Emergency Management Committee.

The Portland Office of Emergency Management shall provide staff support to the Emergency Management Committee.

3.126.050 Emergency Management Steering Committee.

(Added by Ordinance No. 181352, effective October 10, 2007.) The Emergency Management Steering Committee (EMSC) membership consists of representatives from Water, Fire, Police, Environmental Services, Parks, Transportation/Maintenance, Emergency Communications and POEM. The EMSC will provide input into projects and policies to integrate effective practices in emergency preparedness and response.

Chapter 3.127

Bureau of Portland Fire and Police Disability and Retirement

(Added by Ordinance No. 180690,
effective December 20, 2006.)

Sections:

- 3.127.010 Bureau of Portland Fire and Police Disability and Retirement.
- 3.127.020 Purpose.
- 3.127.030 Organization.
- 3.127.040 Director's Powers and Duties.
- 3.127.050 Staff and Delegation.

3.127.010 Bureau of Portland Fire and Police Disability and Retirement.

In conjunction with Chapter 5 of the Charter of the City of Portland, there is established by the City Council, the Bureau of Portland Fire and Police Disability and Retirement as a part of the Mayor's portfolio and charged with the implementation of Chapter 5 of the Charter.

3.127.020 Purpose.

The purpose of this office is to administer Chapter 5 of the Charter of the City of Portland. This purpose may be accomplished by direction from the Board of Trustees of the Fire and Police Disability and Retirement Fund ("FPDR") and in accordance with the provisions of Chapter 5 of the Charter of the City of Portland.

3.127.030 Organization.

(Amended by Ordinance No. 180917, effective May 26, 2007.) The Bureau of Portland Fire and Police Disability and Retirement shall be directly responsible to its Board of Trustees and to the Mayor. Pursuant to Chapter 5 of the Charter, the FPDR Board shall have the powers listed in Section 5-202 of the Charter. Other bureaus may provide FPDR with necessary information and assistance in accordance with Chapter 5 of the Charter and include, but are not limited to, Portland Fire & Rescue, the Bureau of Police, and the Bureau of Human Resources.

3.127.040 Administrator's Powers and Duties.

The Administrator of the Fire and Police Disability and Retirement Fund shall:

- A. Be the Director of the Bureau of Portland Fire and Police Disability and Retirement, in accordance with Charter Chapter 5 Section 5-202;
- B. Be responsible for administering the terms of the FPDR plan;

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- C.** Serve as the principle administrator of the FPDR plan and have the power to initially approve or deny claims filed with the FPDR and to subsequently suspend, reduce or terminate benefits as provided in Charter Chapter 5;
- D.** Lead and direct the activities of the staff of the FPDR;
- E.** Oversee and direct other agents or advisers of the FPDR including actuaries and attorneys;
- F.** Be responsible for integrating disability, retirement, and return-to-work programs with other bureaus within the City where applicable; and
- G.** Review and propose amendments as necessary to the FPDR to conform to changes in federal or state law and, as appropriate, provide Council with the documentation necessary for its review and approval of the same.

3.127.050 Staff and Delegation.

The Administrator may delegate to his or her staff members any of the Administrator's duties when the Administrator is not available or able to perform those duties.

Chapter 3.128

Office of Human Relations

(Added by Ordinance No. 181670,
effective March 19, 2008.)

Sections:

- 3.128.010 Creation.
- 3.128.020 Functions.

3.128.010 Creation

There is hereby established an Office of Human Relations. The Office shall be administered by a Director to be appointed by the Mayor and confirmed by the Council. The Director shall serve at will and may be removed by the Council upon the request of the Mayor, after consideration of the recommendation of the Human Rights Commission. The Office shall have such other employees as the Council may provide. The Office shall be assigned to the Mayor's portfolio and the Director shall report to the Mayor.

3.128.020 Functions

- A.** The Office shall be responsible for staffing the Human Rights Commission in accordance with policy direction and decisions from the Commission as well as such other matters and committees as Council may from time to time assign to the Office.

- B.** The Office shall be responsible for supporting and facilitating the Human Rights Commission's mission of advocating for the rights of all people and for the resolution of all issues rooted in bias and discrimination through education, research, advocacy and intervention.

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Chapter 3.129

Human Rights Commission

(Added by Ordinance No. 181670,
effective March 19, 2008.)

Sections:

- 3.129.010 Creation.
- 3.129.020 Mission.
- 3.129.030 Jurisdiction.

3.129.010 Creation

There is hereby created in the City of Portland a Human Rights Commission. The Director of the Office of Human Relations shall also serve as the Director of the Commission. The Commission shall consist of 11 to 15 members. All members shall serve without compensation. Appointments are for staggered terms of three years. No member may serve more than two consecutive three year terms. When an interim vacancy occurs, a Human Rights Commission workgroup – after consultation with the Office of Human Relations – nominates, the Mayor appoints, and the Council confirms, a member to fill the balance of the unexpired term. Members shall be appointed by the Mayor so as to provide representation from a reasonably broad spectrum of the community, including without limitation the following factors: areas of expertise, advocacy experience, community involvement, profession, education, race, ethnicity, gender, gender identity, sexual orientation, national origin, age, religion and geographic identification. Members must live, work, worship or be enrolled in school within the City of Portland. The Mayor may remove a member from the Commission at any time, with the recommendation of the Commission and subject to approval by the Council.

3.129.020 Mission

The Human Rights Commission shall work to eliminate discrimination and bigotry, to strengthen intergroup relationships and to foster greater understanding, inclusion and justice for those who live, work, study, worship, travel and play in the City of Portland. In doing so, the Human Rights Commission shall be guided by the principles embodied in the United Nations Universal Declaration of Human Rights.

3.129.030 Jurisdiction

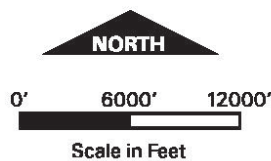
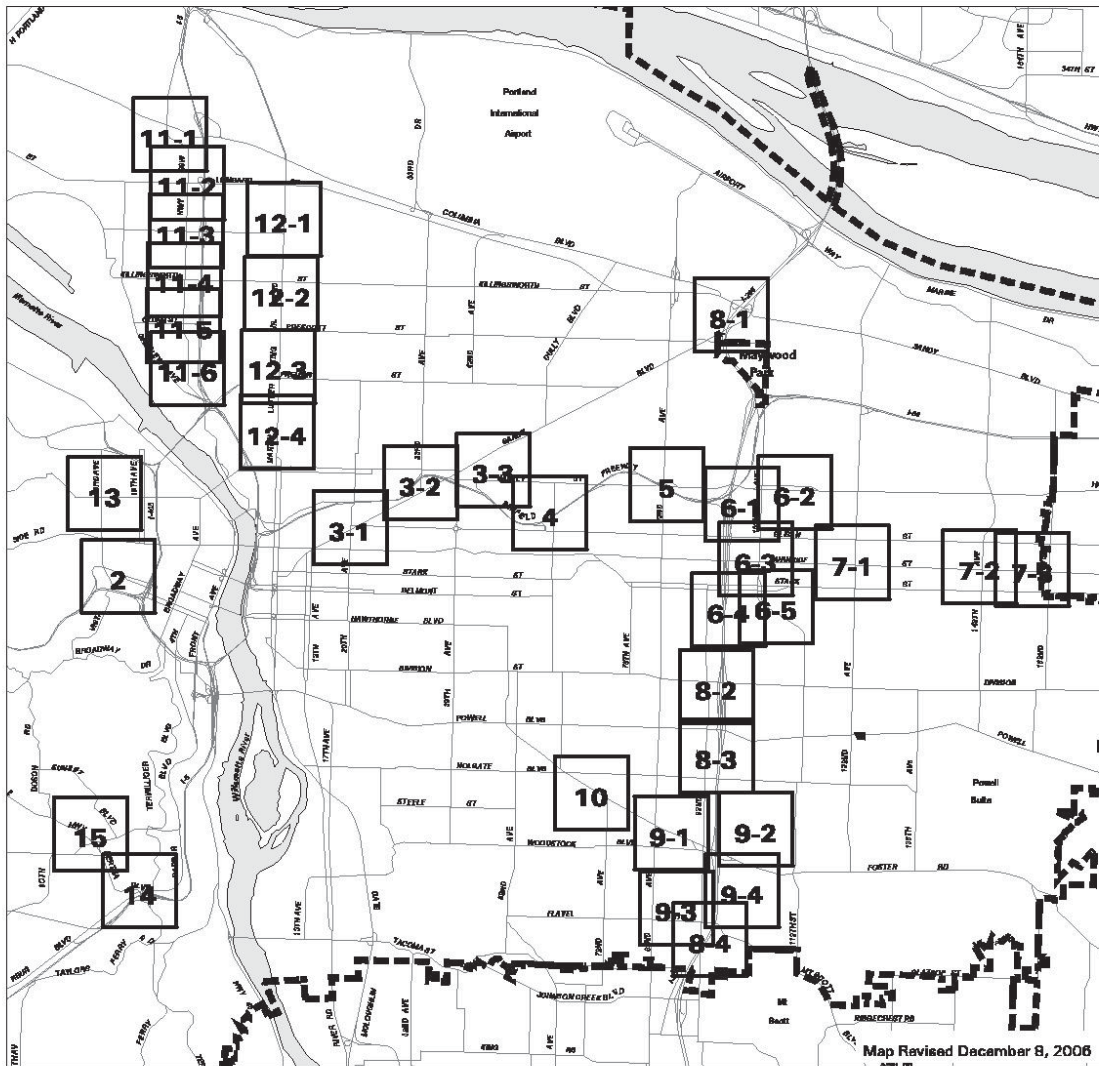
The jurisdiction of the Commission will include all practices and incidents occurring in the City of Portland which affect people who live, work, study, worship, travel or play in the City. The Commission shall have jurisdiction to address such practices and incidents through education, research, advocacy and/or intervention, but shall not have civil rights enforcement authority.

POLICE ARREST DOCKET AND MUNICIPAL COURT TRANSCRIPT
City of Portland, Oregon
DEPARTMENT OF FINANCE AND ADMINISTRATION
Bureau of Police

<u>Name of Defendant</u>	<u>Address of Defendant</u>	<u>Arresting Officer</u>	<u>Complainant</u>	<u>Charge</u>	<u>Where</u>	<u>Age</u>
<u>Nativity</u>	<u>Occupation</u>	<u>Bail</u>	<u>Plea</u>	<u>Fine</u>	<u>Days</u>	<u>Remarks</u>

FIGURE 1 - (Section 3.20.130)

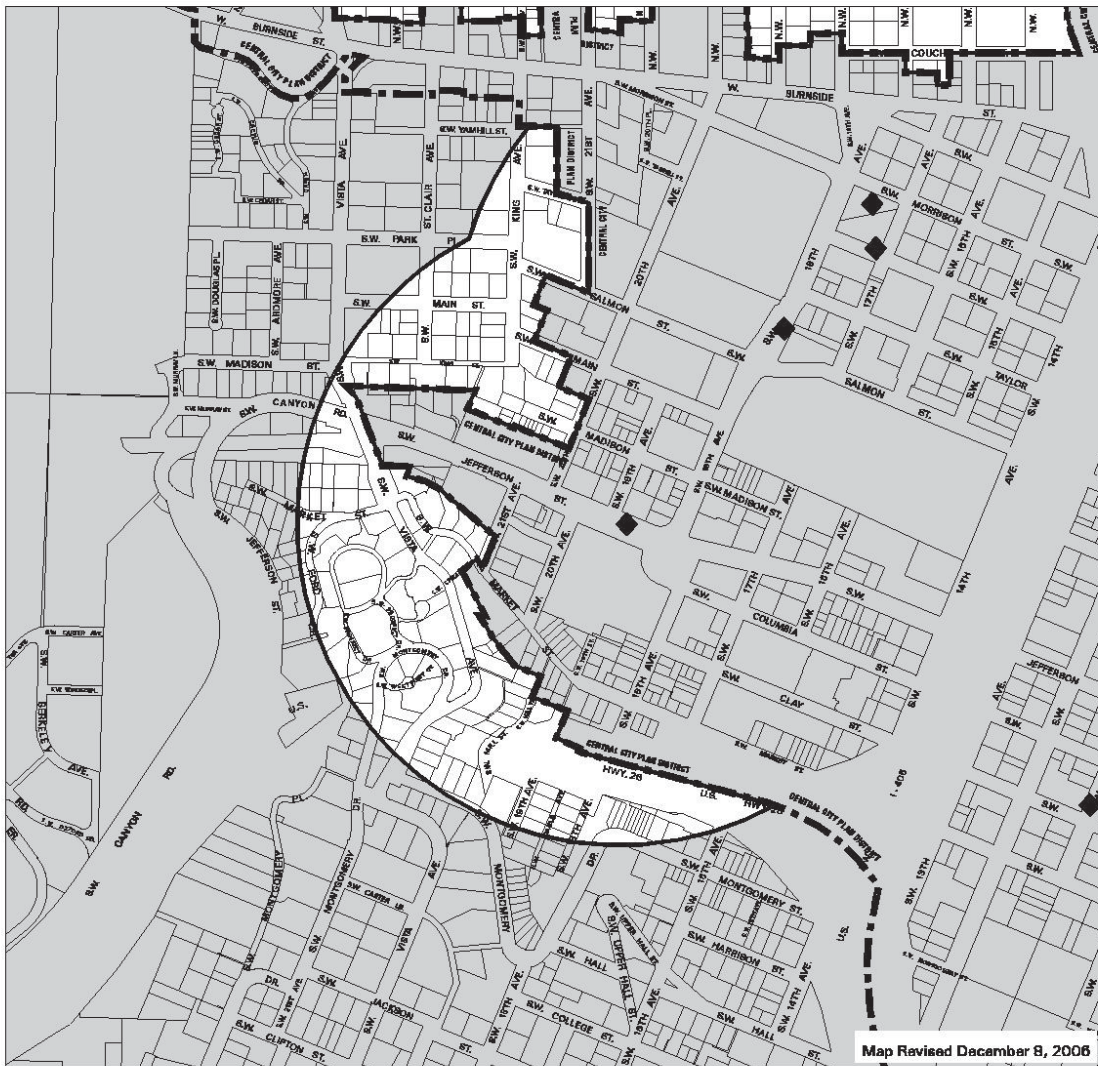
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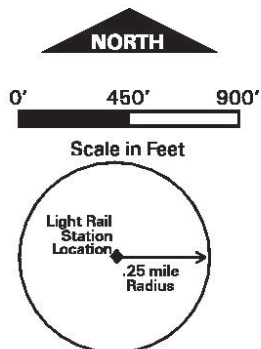
**Map 3.103-1
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

Index Map

Bureau of Planning • City of Portland, Oregon



Map Revised December 8, 2006

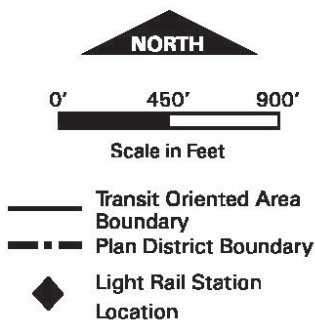
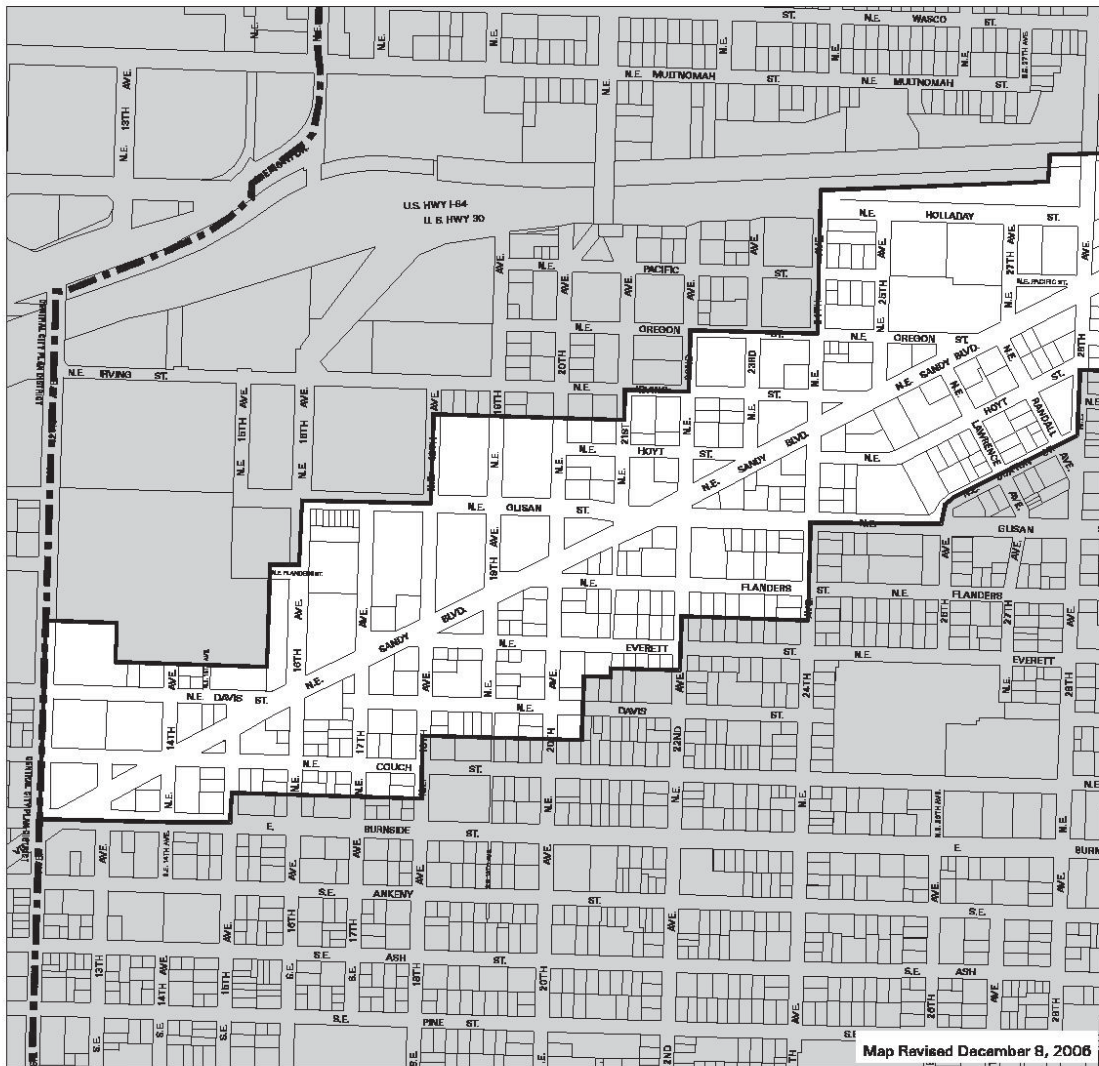


Map 3.103-2 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Goose Hollow Light Rail Station Areas

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Map 3.103-3 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Hollywood Light Rail Station Area & Transit Oriented
Areas along Sandy Boulevard & Broadway Main Street

Map 1 of 3

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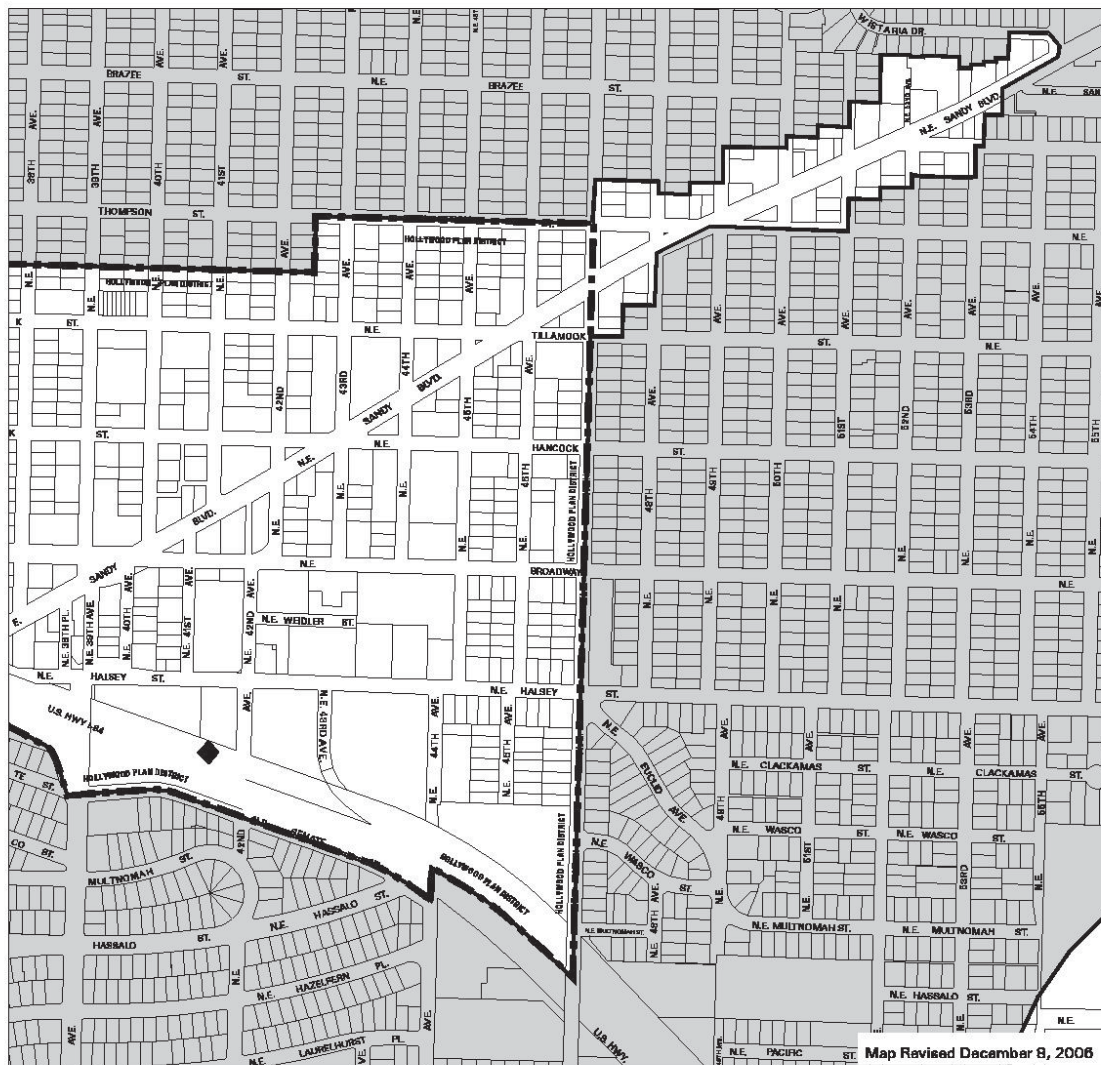


Hollywood Light Rail Station Area & Transit Oriented Areas along Sandy Boulevard & Broadway Main Street

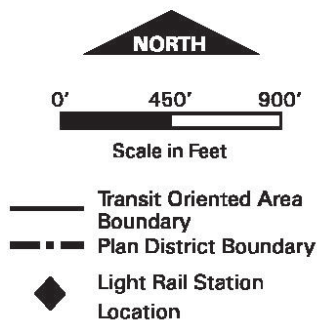
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ADMINISTRATION



Map Revised December 8, 2006

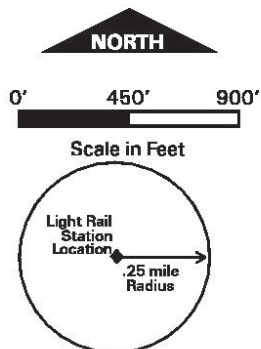
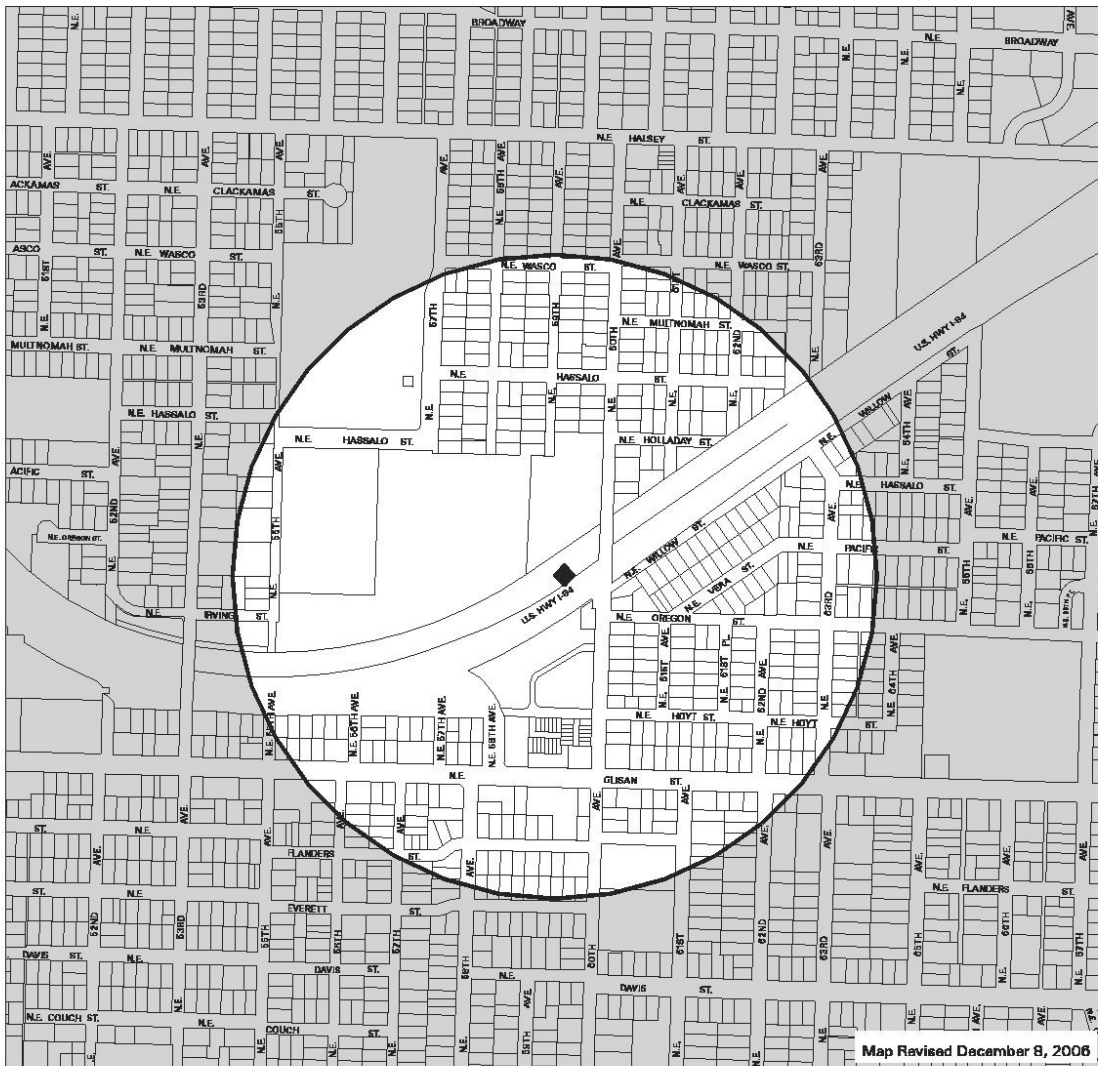


Map 3.103-3
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Hollywood Light Rail Station Area & Transit Oriented Areas along Sandy Boulevard & Broadway Main Street

Map 3 of 3

Bureau of Planning • City of Portland, Oregon



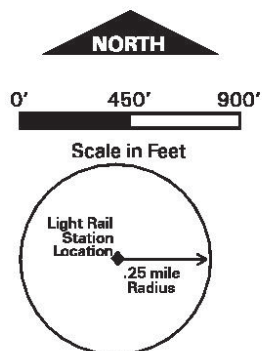
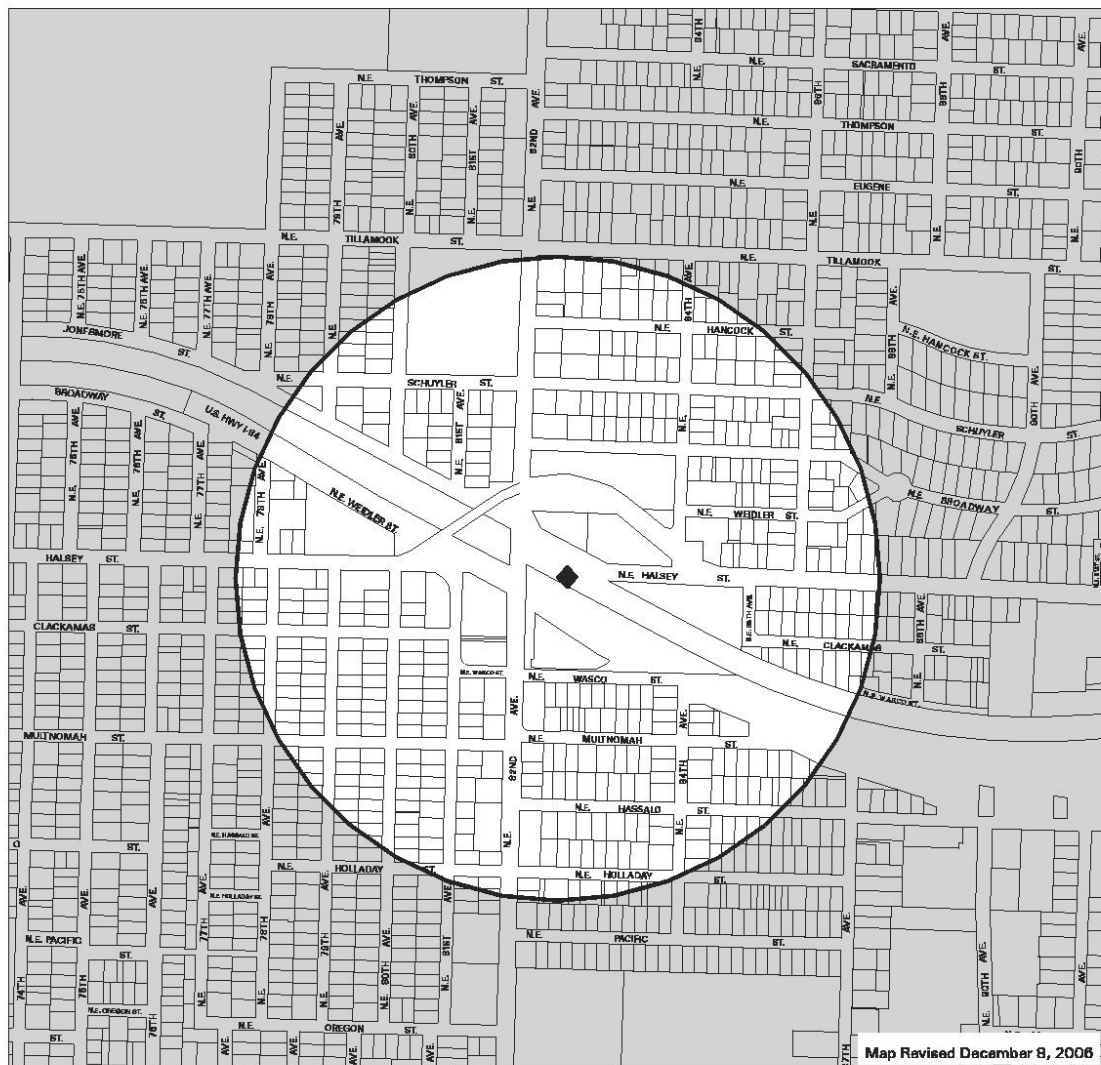
Map 3.103-4 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

60th Avenue Light Rail Station Area

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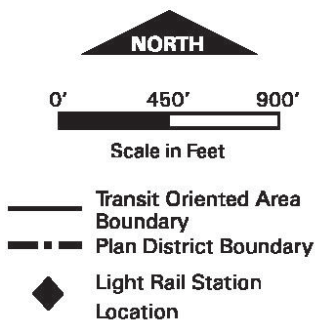
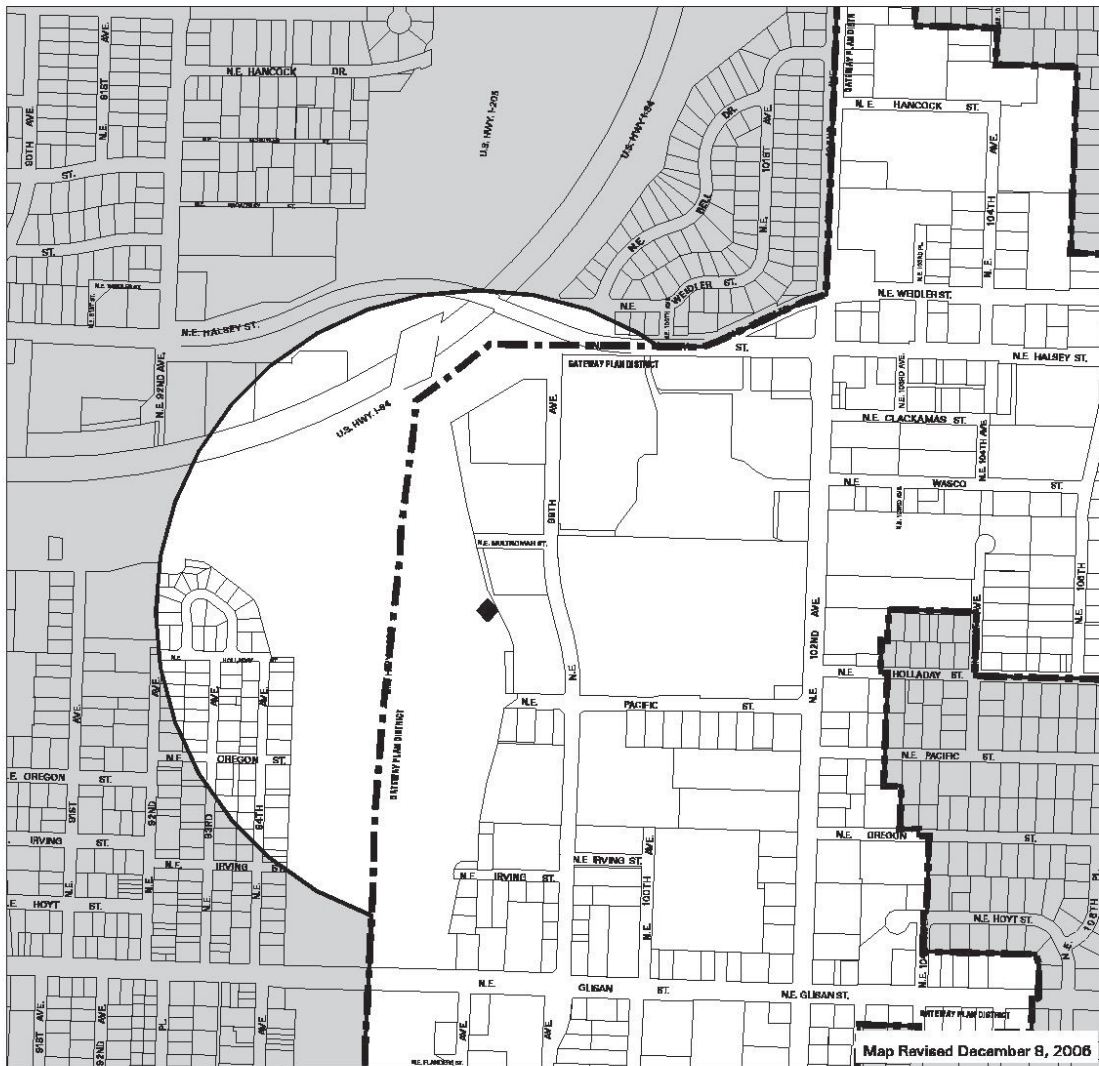
TITLE 3

ADMINISTRATION



Map 3.103-5
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
82nd Avenue Light Rail Station Area

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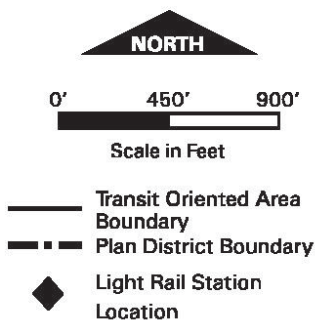
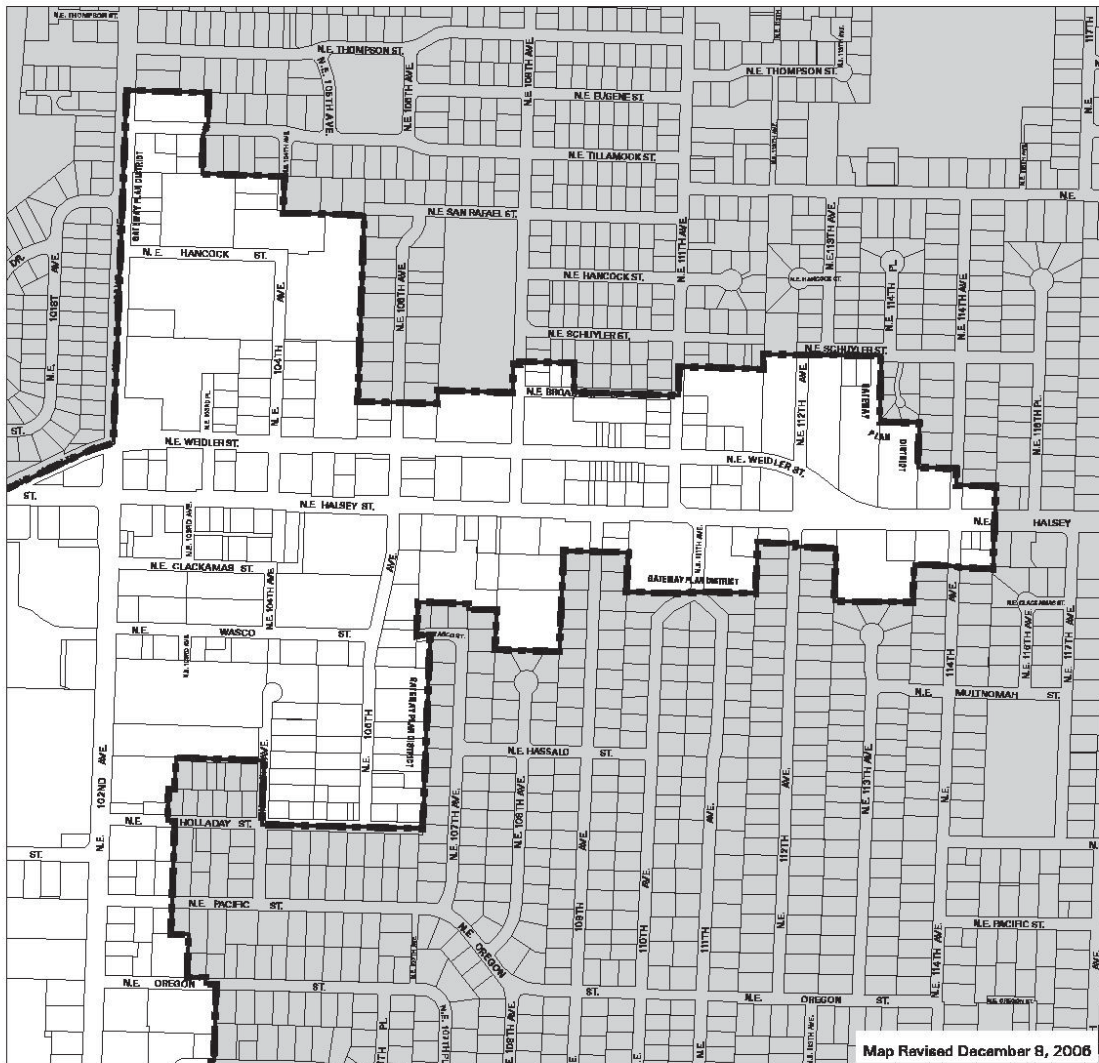
Map 3.103-6 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Gateway Plan District and Light Rail Station Areas

Map 1 of 5

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**TITLE 3
ADMINISTRATION**

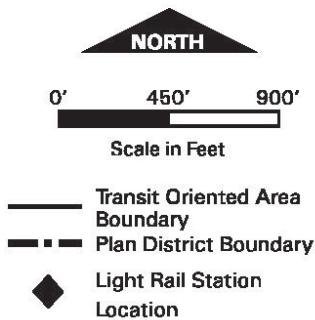


**Map 3.103-6
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

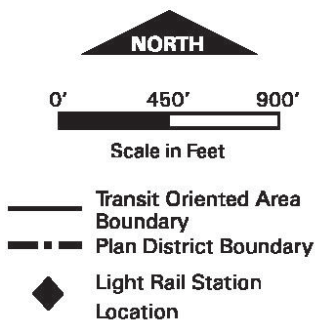
**Gateway Plan District and
Light Rail Station Areas**

Map 2 of 5

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**TITLE 3
ADMINISTRATION**

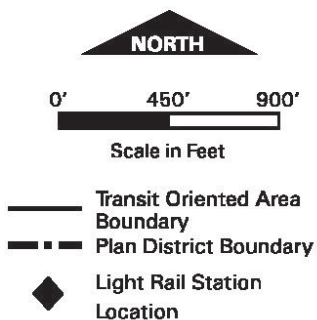
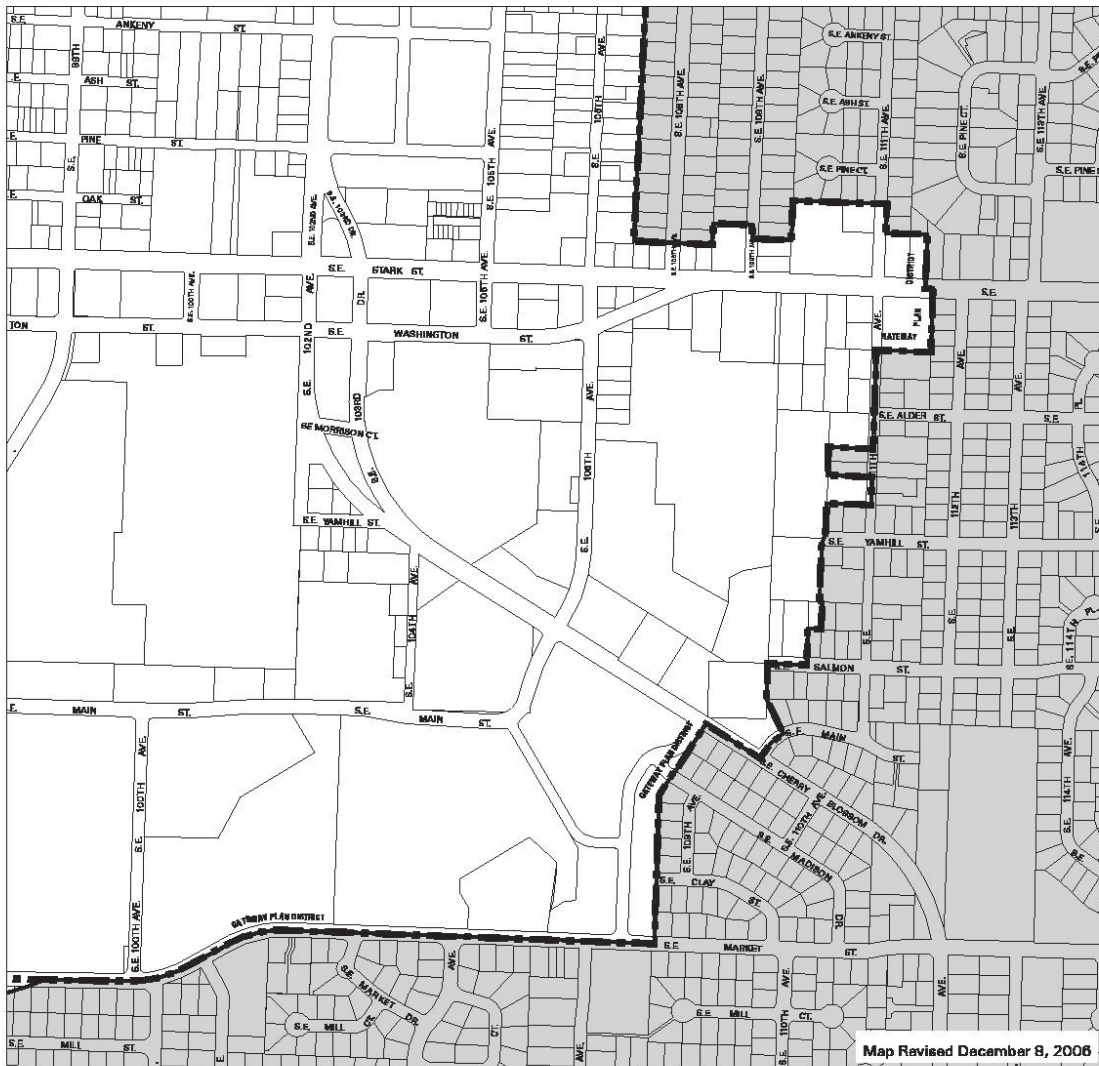


**Map 3.103-6
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

**Gateway Plan District and
Light Rail Station Areas**

Map 4 of 5

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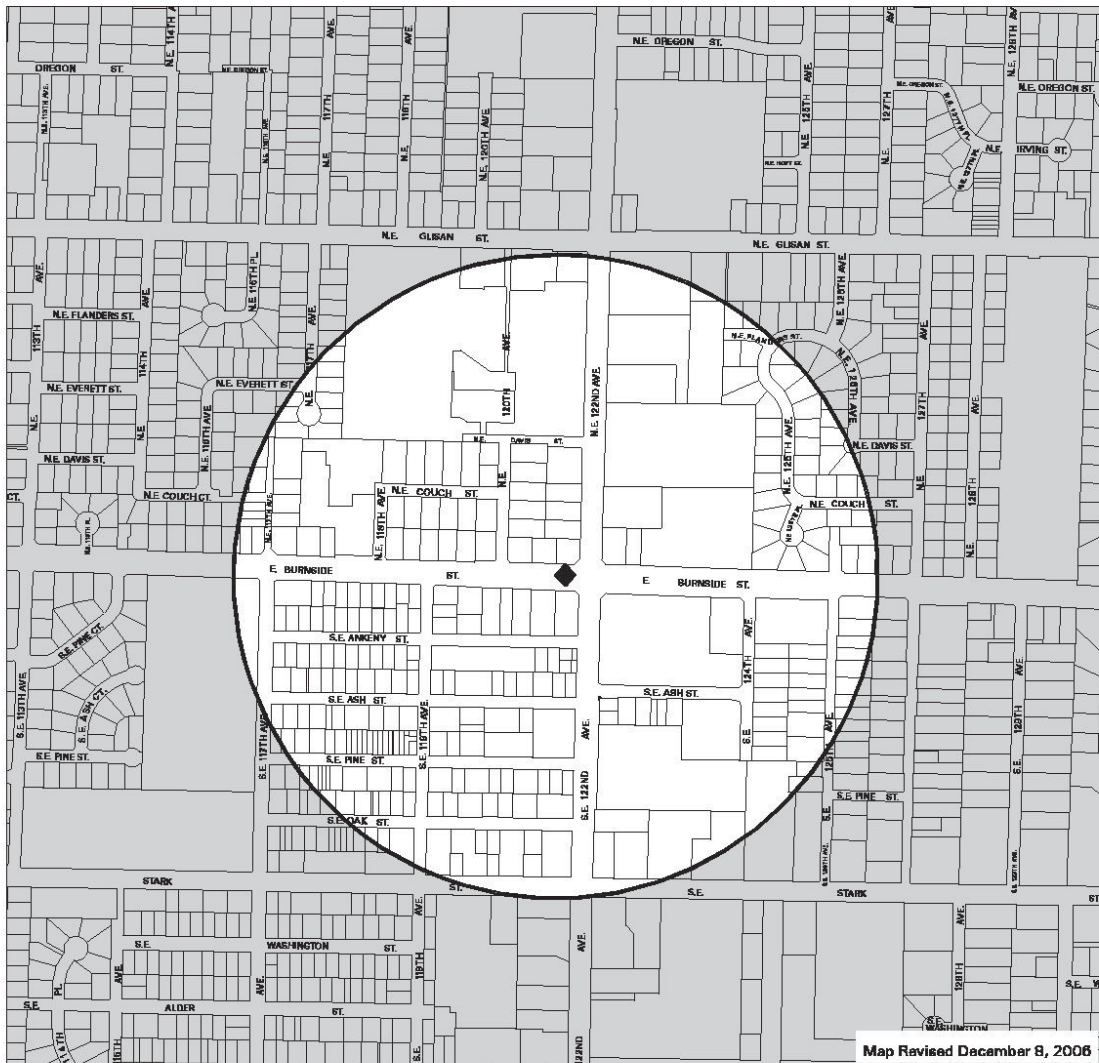
Map 3.103-6 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Gateway Plan District and Light Rail Station Areas

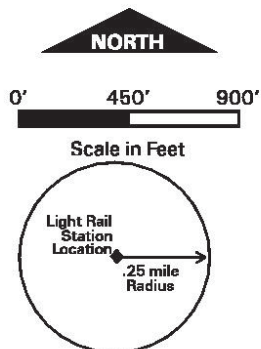
Map 5 of 5

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**TITLE 3
ADMINISTRATION**



Map Revised December 8, 2006



**Map 3.103-7
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

**Light Rail Station Areas
East of Gateway Plan District**

Map 1 of 3

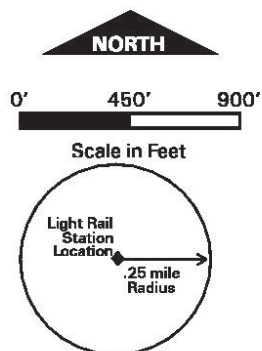
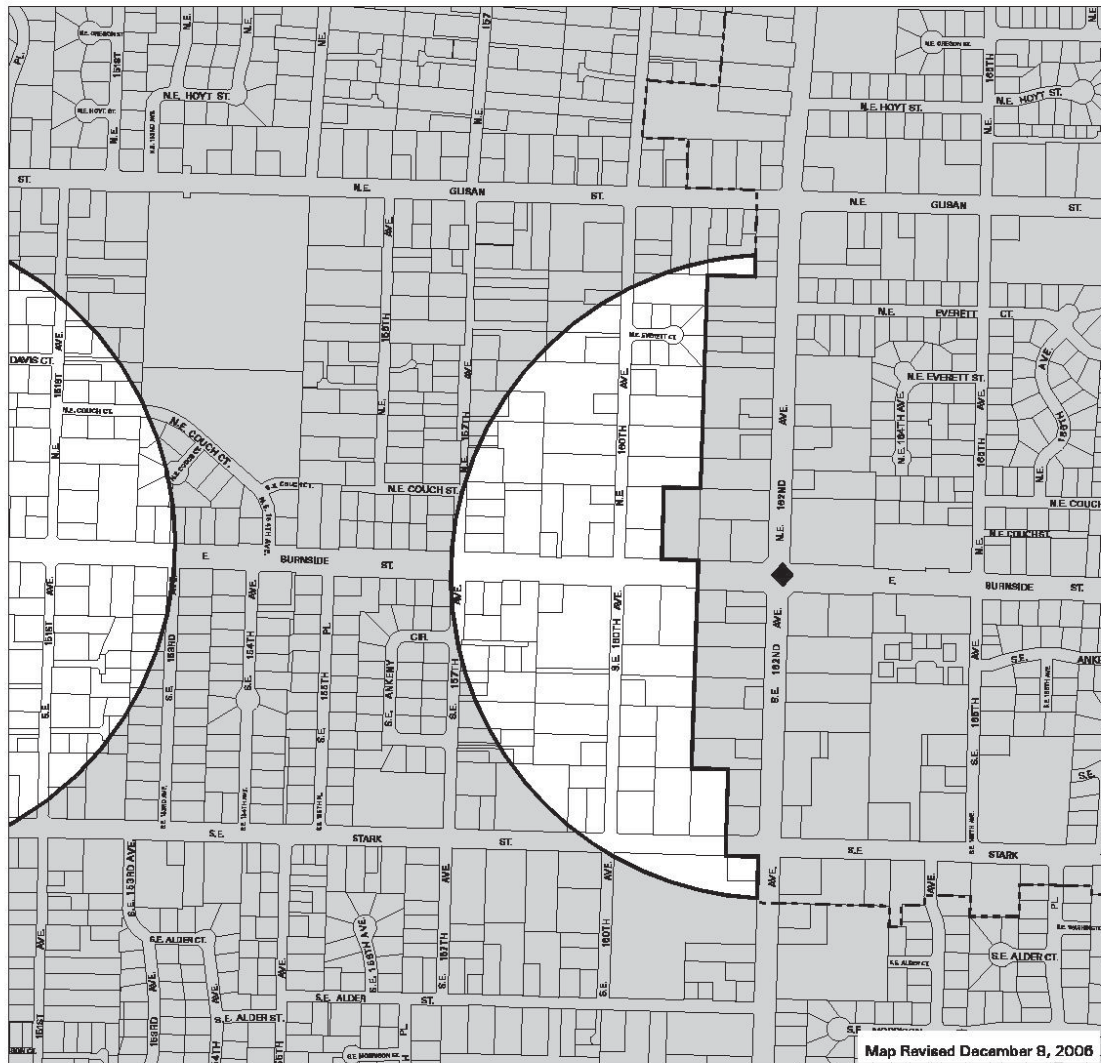
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ADMINISTRATION



Map 3.103-7
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Light Rail Station Areas East of Gateway Plan District

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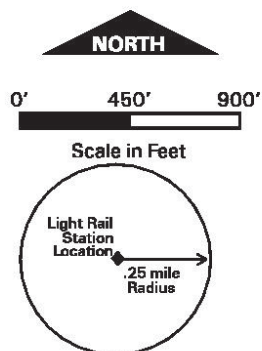
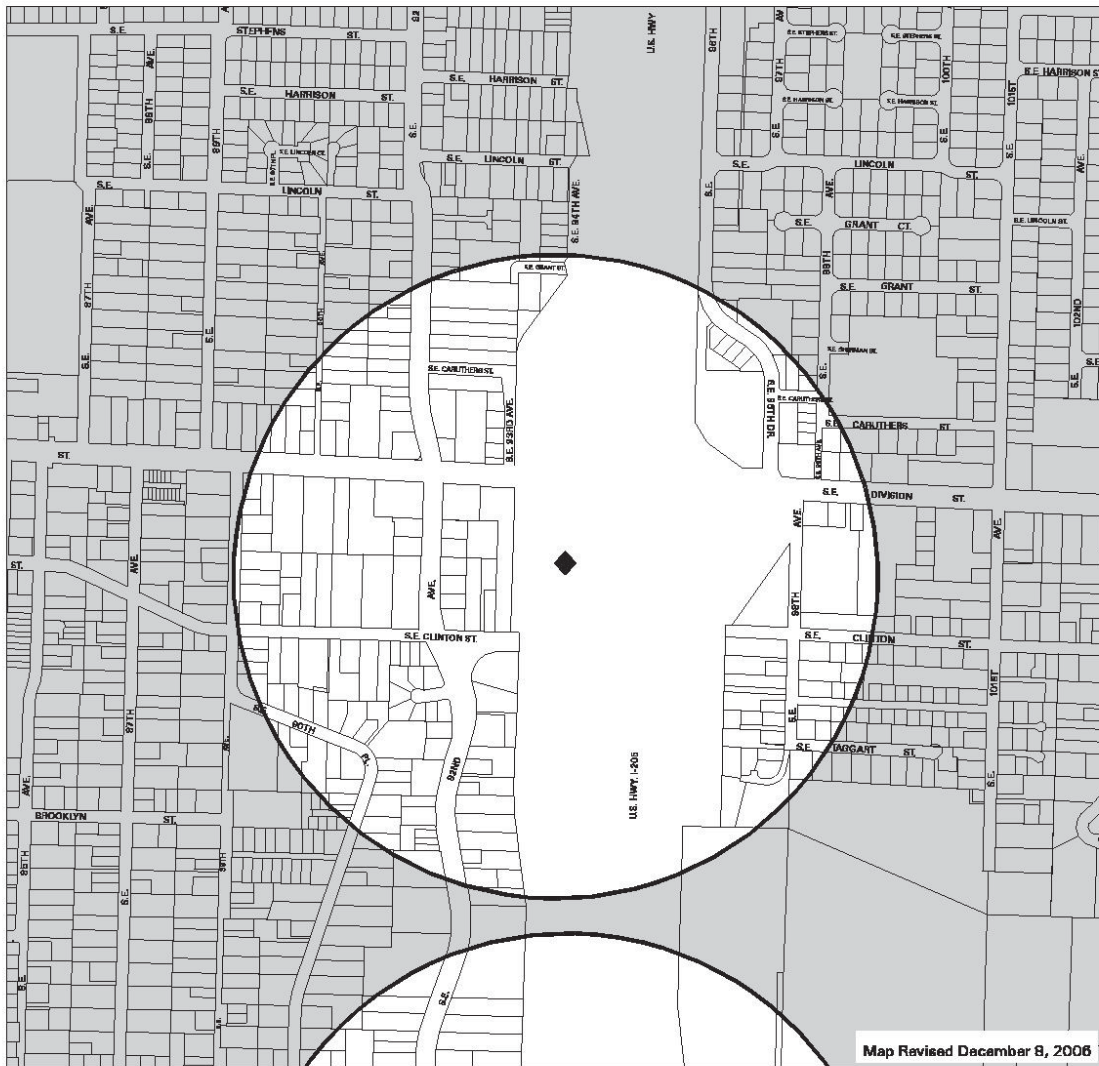
Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

I-205 Light Rail Stations Areas

Map 1 of 4

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**TITLE 3
ADMINISTRATION**

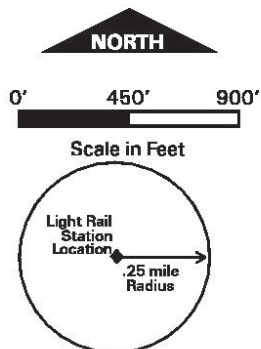


**Map 3.103-8
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

I-205 Light Rail Stations Areas

Map 2 of 4

Bureau of Planning • City of Portland, Oregon



Map 3.103-8 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

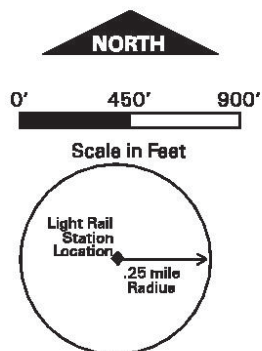
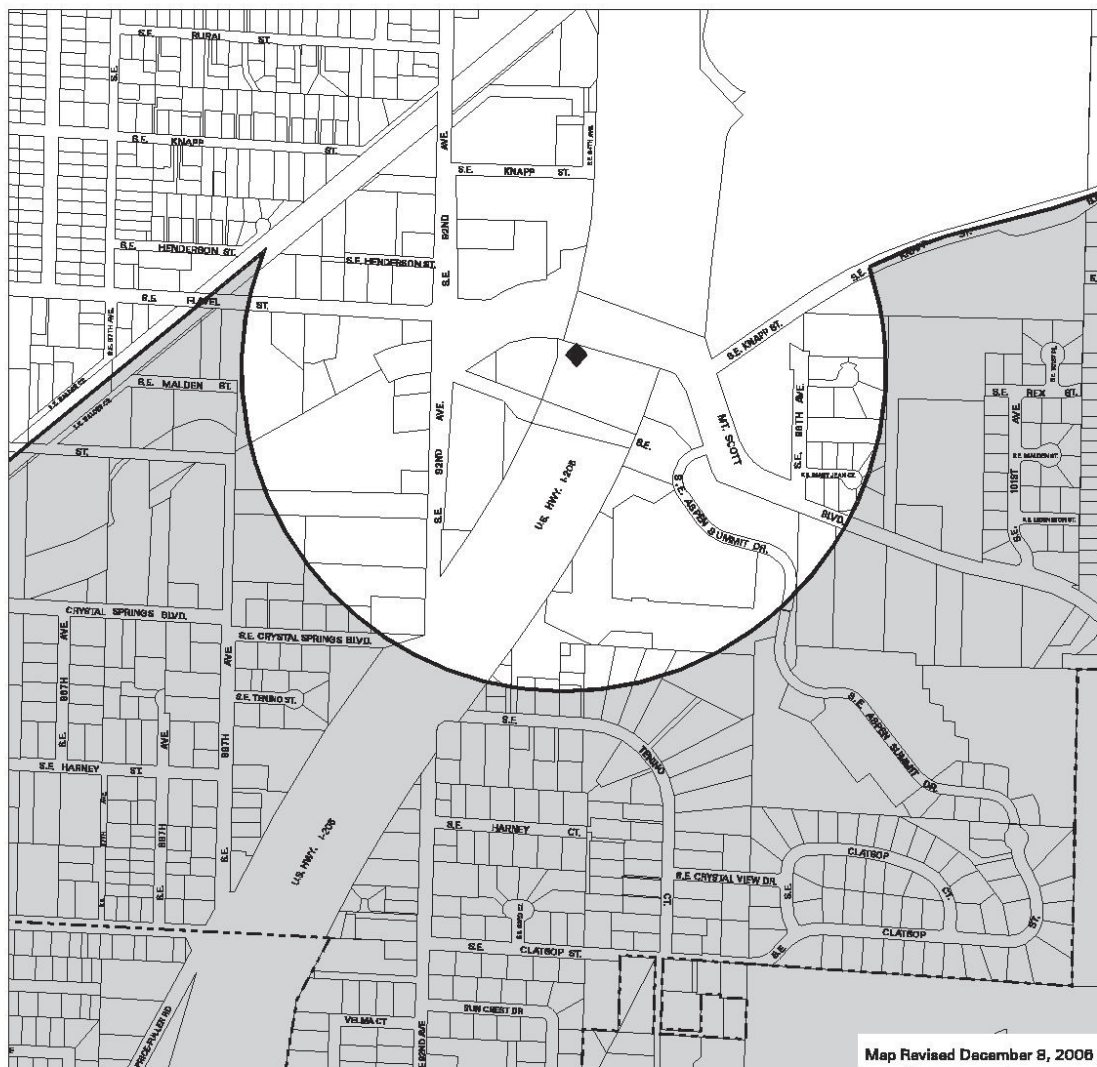
I-205 Light Rail Stations Areas

Map 3 of 4

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ADMINISTRATION



Map 3.103-8
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

I-205 Light Rail Stations Areas

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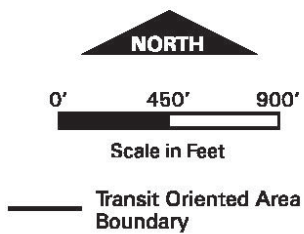
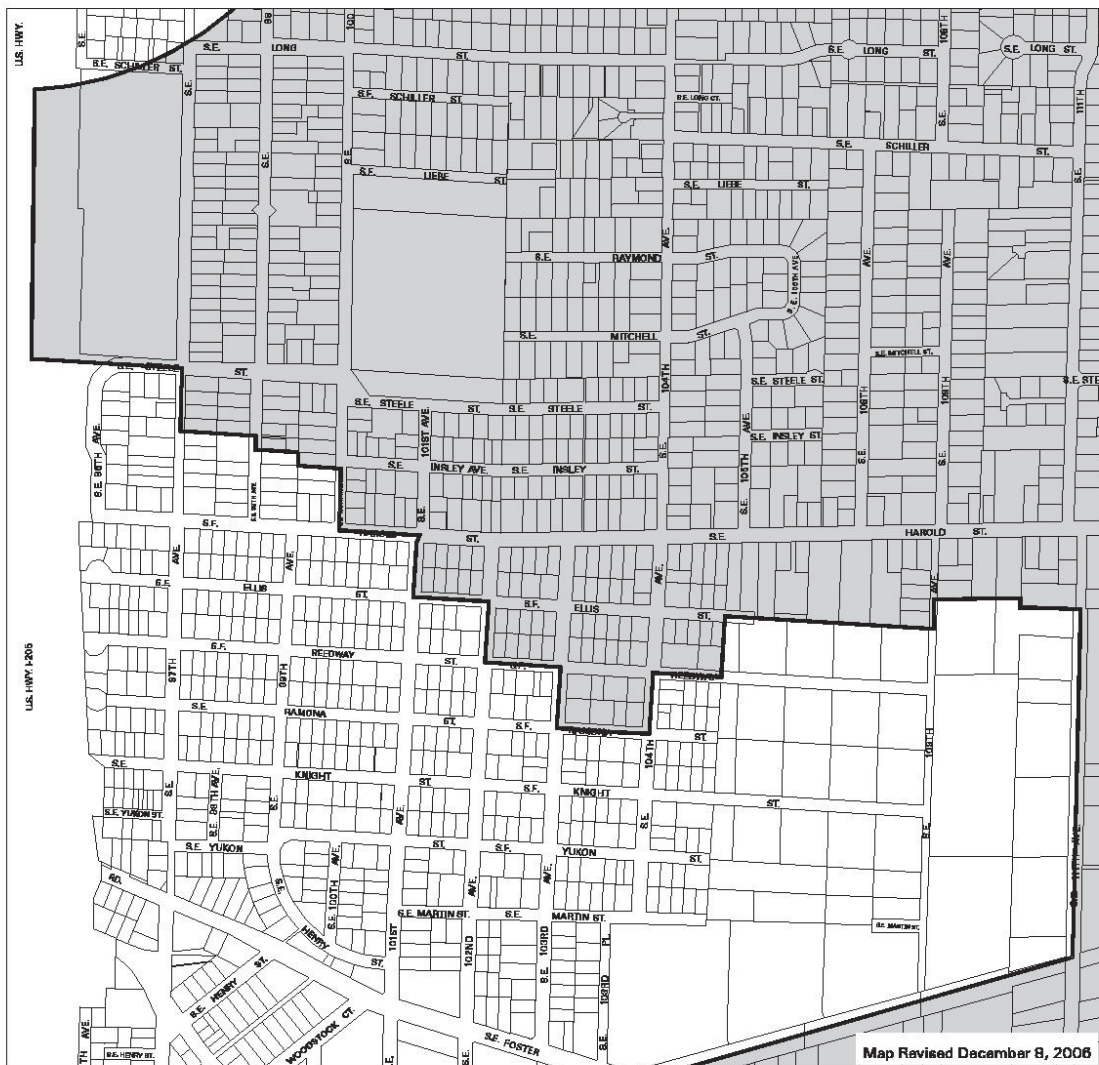
Map 3.103-9
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Lents Town Center

Map 1 of 4

Bureau of Planning • City of Portland, Oregon

**TITLE 3
ADMINISTRATION**

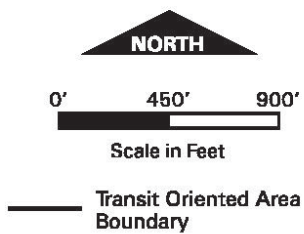


**Map 3.103-9
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

Lents Town Center

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Bureau of Planning • City of Portland, Oregon



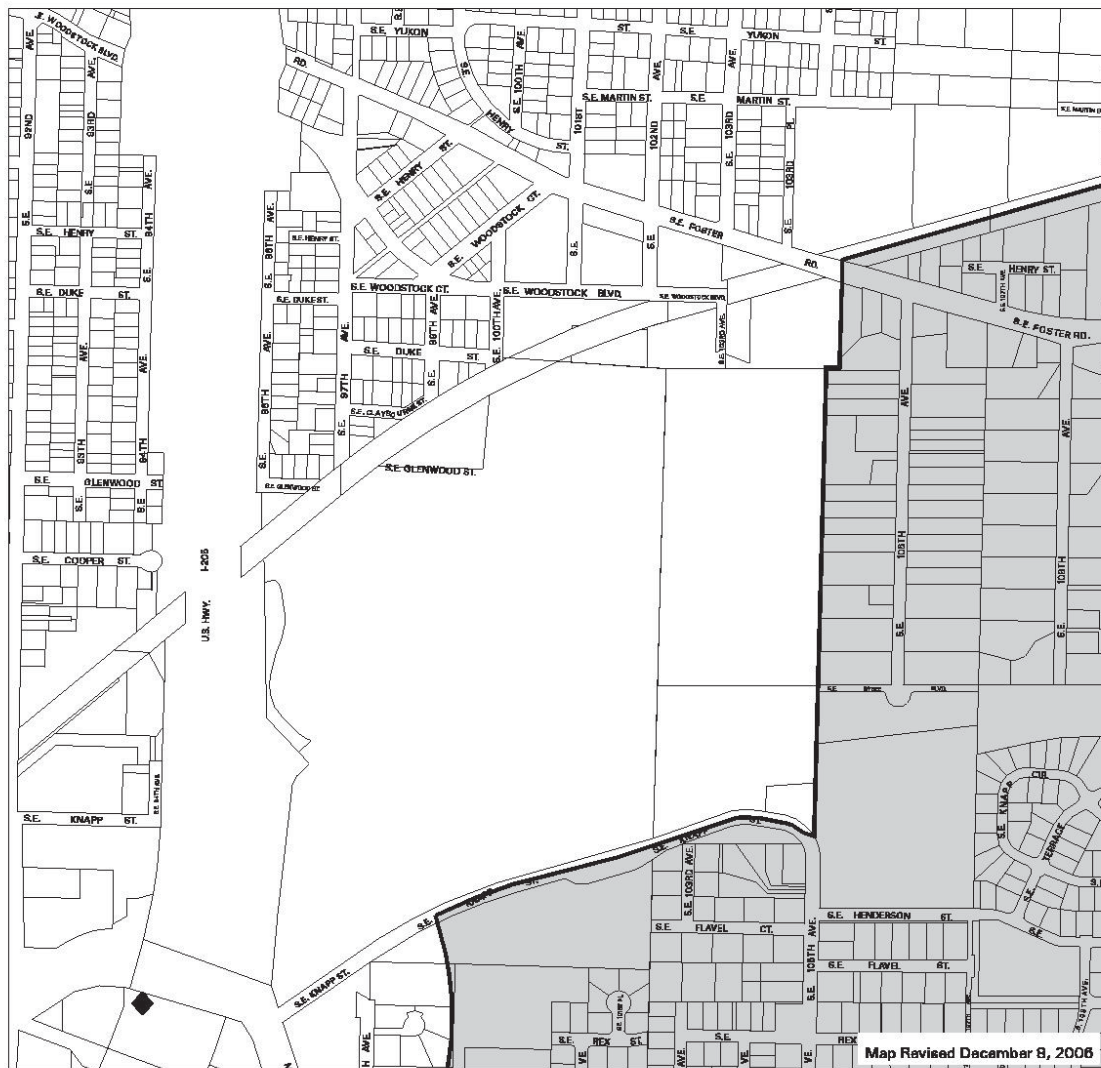
Map 3.103-9
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Lents Town Center

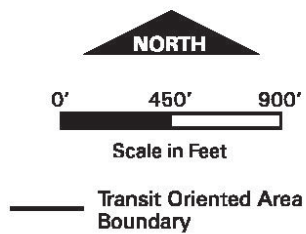
Map 3 of 4
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Map Revised December 8, 2006

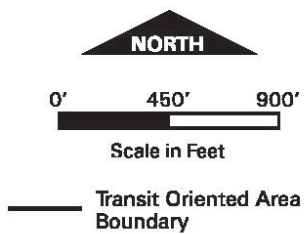


Map 3.103-9
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Lents Town Center

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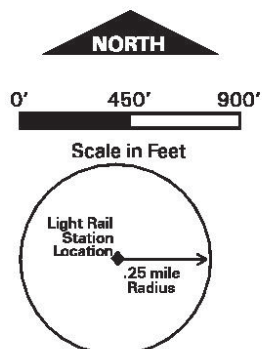
Map 3.103-10 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Transit Oriented Areas along
Foster Road Main Street

Bureau of Planning • City of Portland, Oregon

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ADMINISTRATION



Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Interstate Corridor Light Rail Station Areas

Map 1 of 6
Bureau of Planning • City of Portland, Oregon

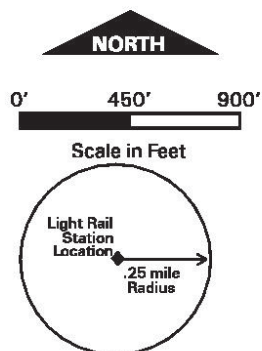
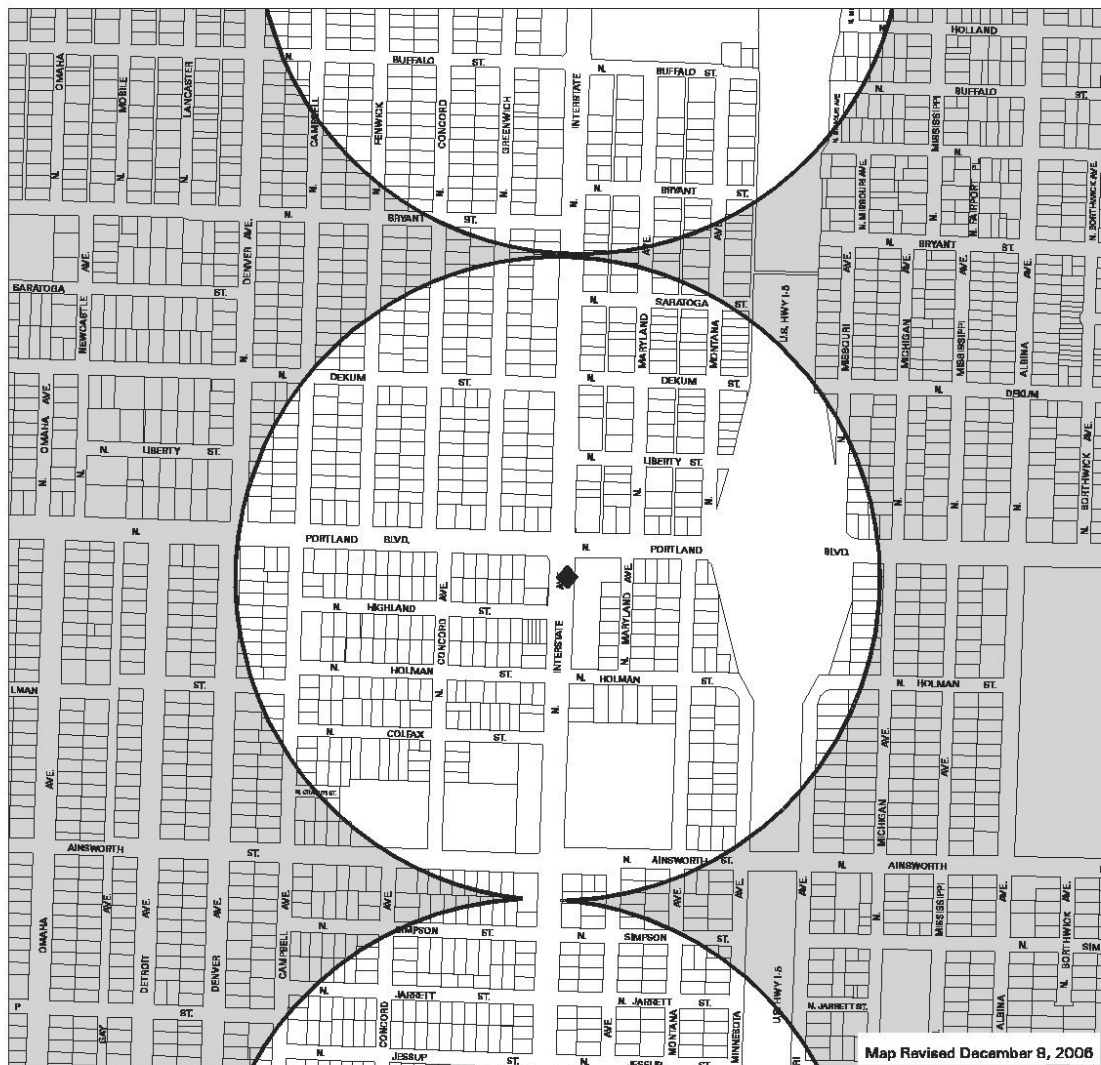


Interstate Corridor Light Rail Station Areas

Bureau of Planning • City of Portland, Oregon

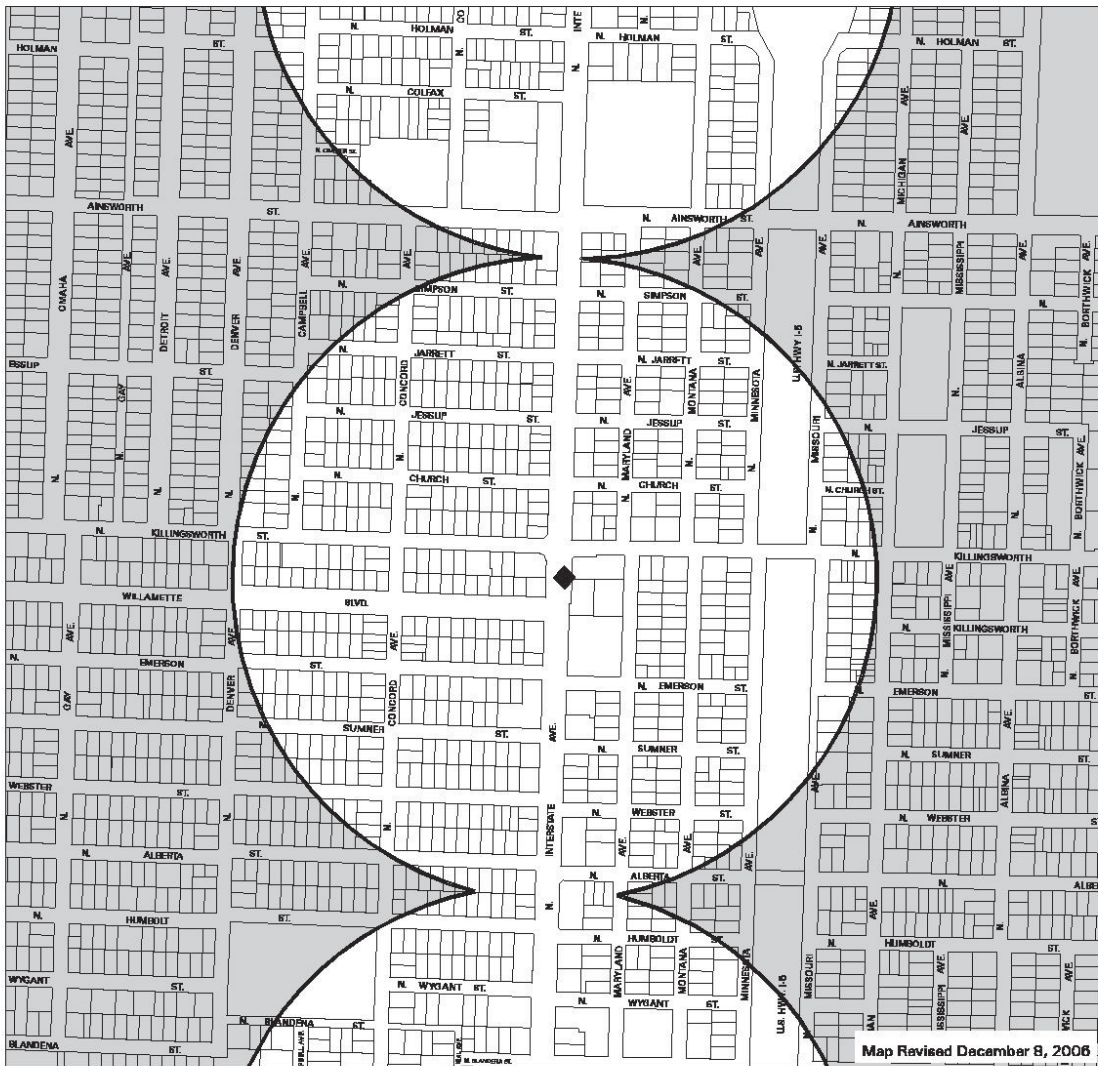
TITLE 3

ADMINISTRATION

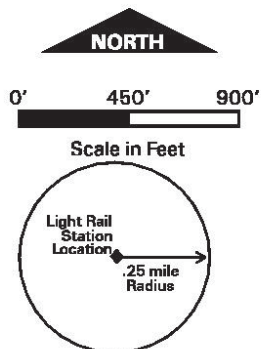


Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Interstate Corridor Light Rail Station Areas

Map 3 of 6
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Map Revised December 8, 2006



Map 3.103-11

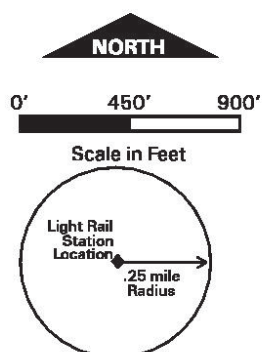
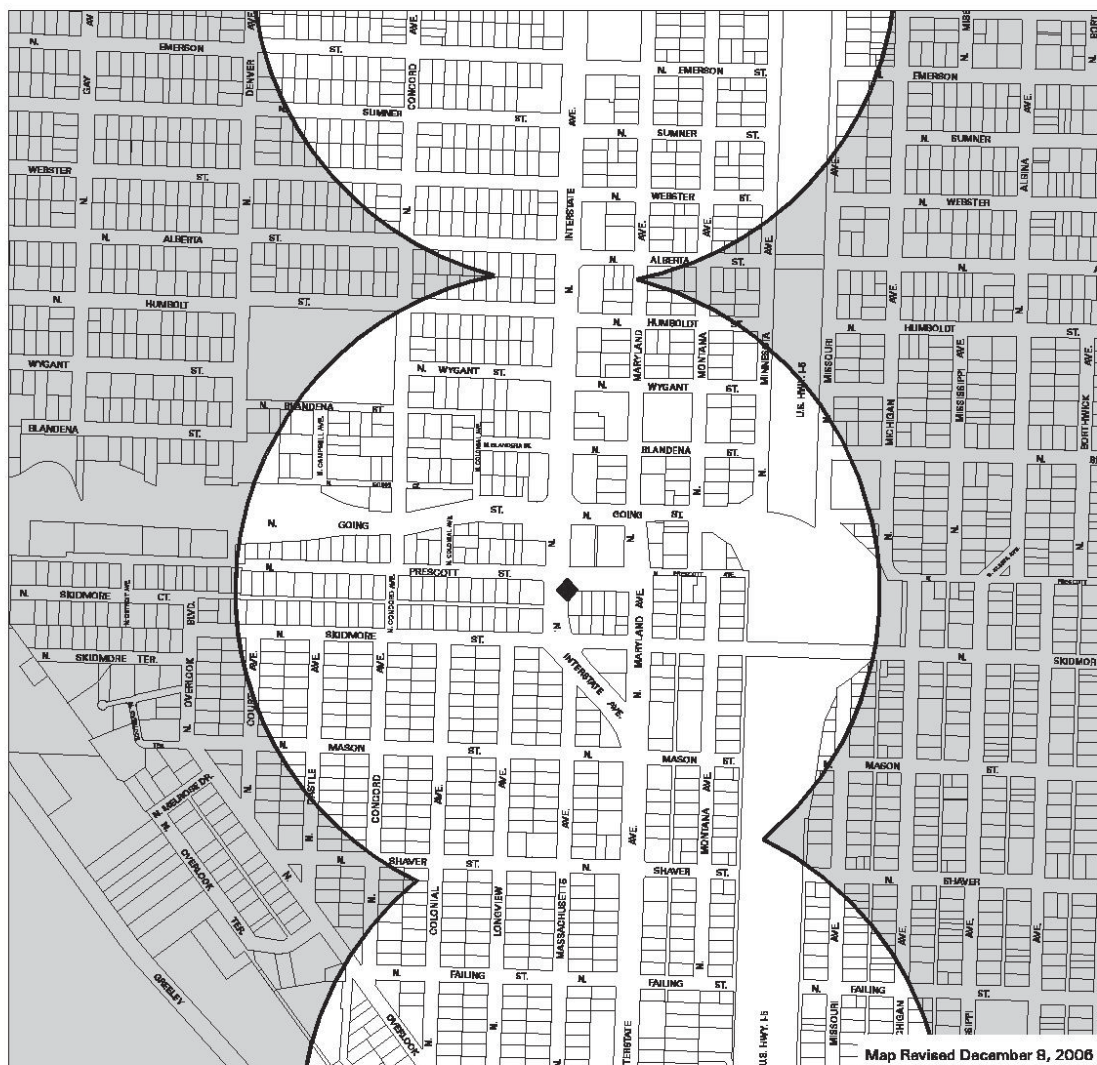
Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Interstate Corridor Light Rail Station Areas

Map 4 of 6
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TITLE 3

ADMINISTRATION

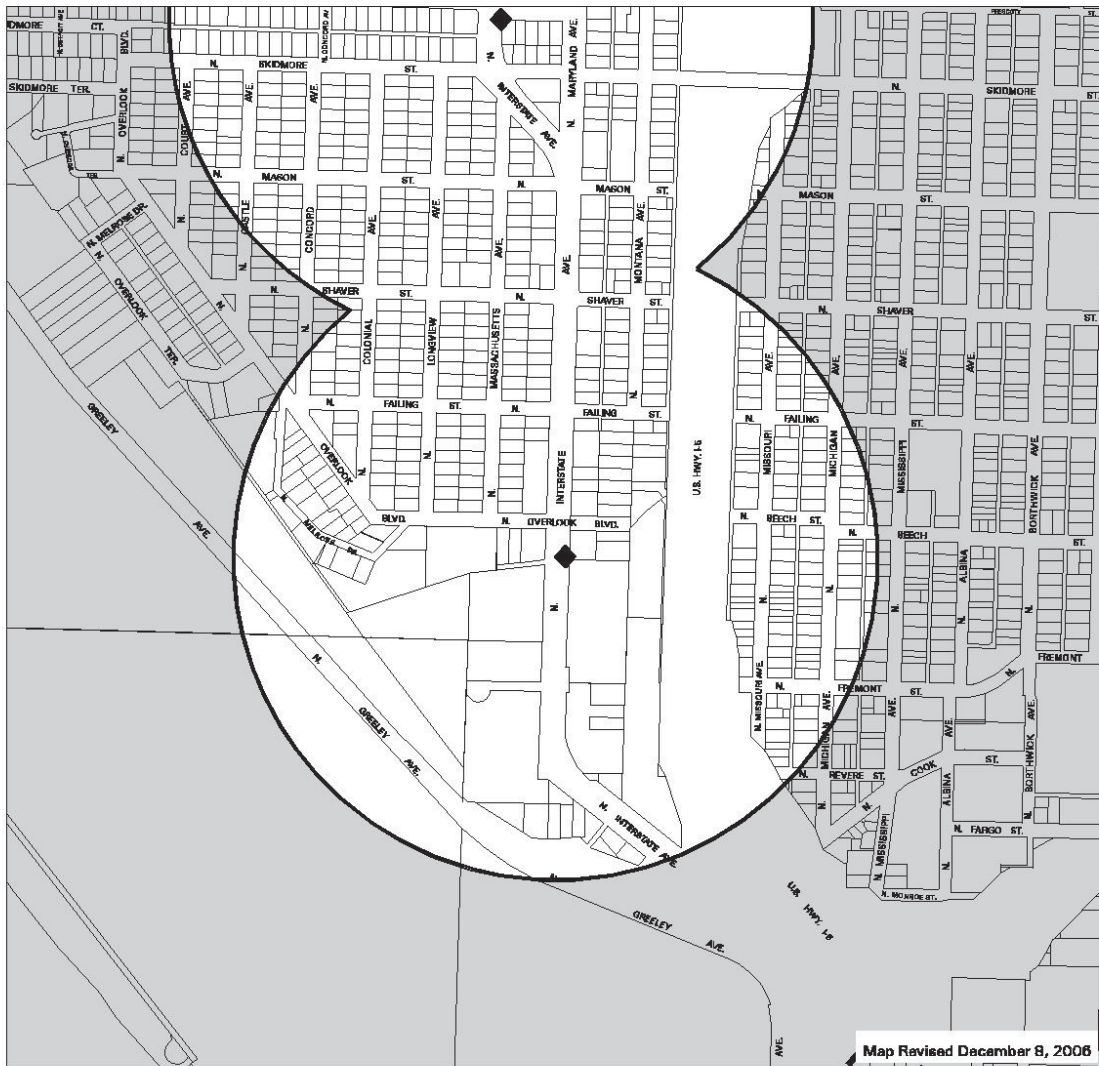


Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

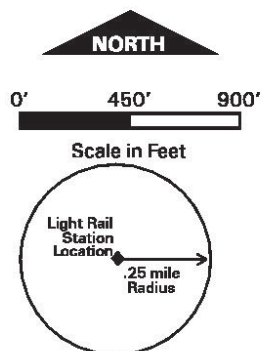
Interstate Corridor Light Rail Station Areas

Map 5 of 6

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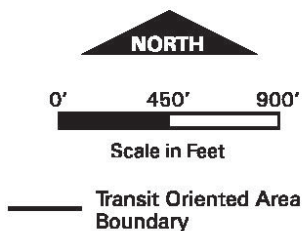
Map 3.103-11

Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Interstate Corridor Light Rail Station Areas

Map 6 of 6
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**TITLE 3
ADMINISTRATION**

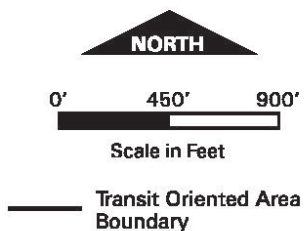
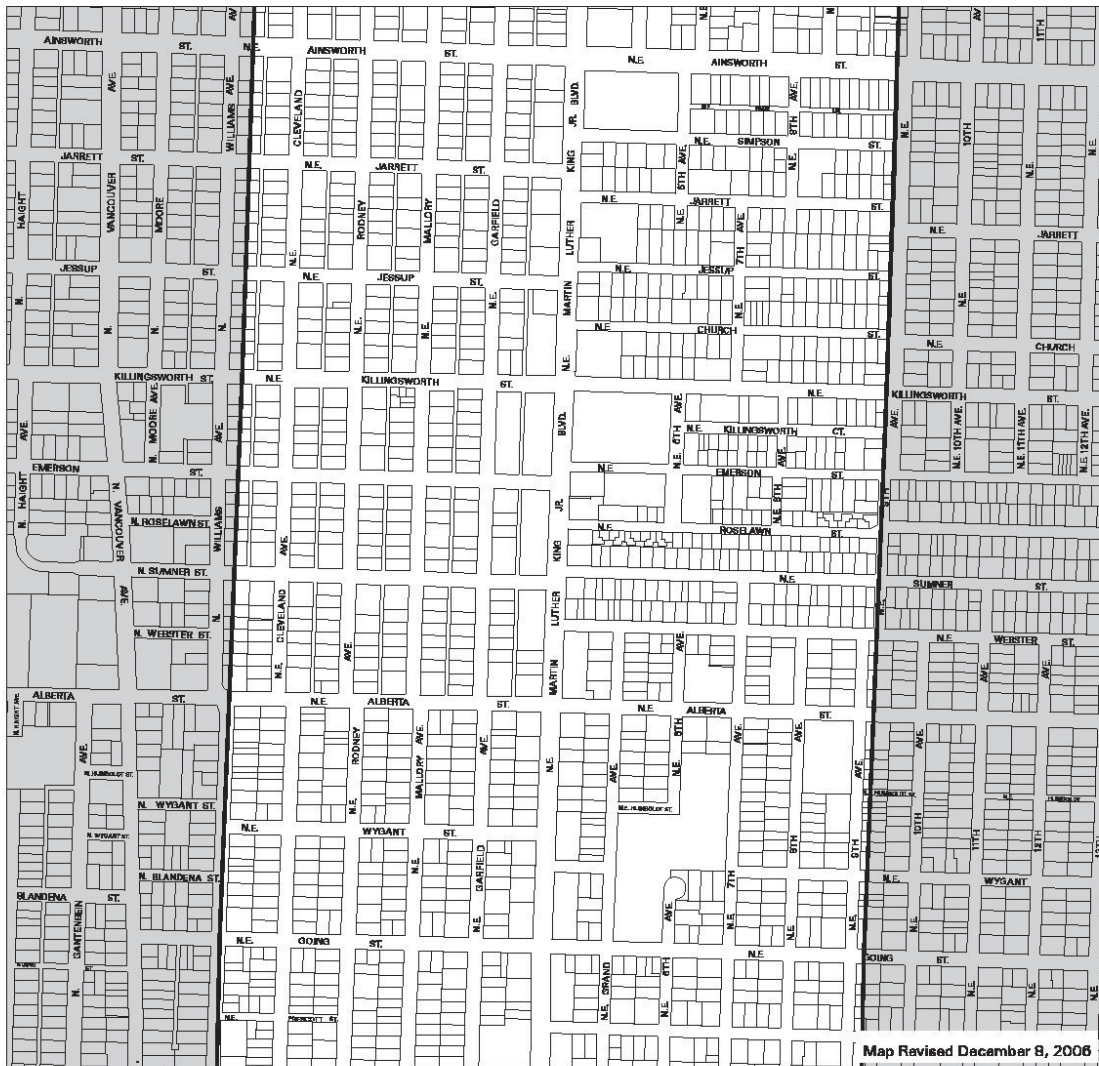


**Map 3.103-12
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

**Transit Oriented Areas along
NE Martin Luther King Jr. Blvd. Main Street**

Map 1 of 4

Bureau of Planning • City of Portland, Oregon



Map 3.103-12 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Transit Oriented Areas along
NE Martin Luther King Jr. Blvd. Main Street

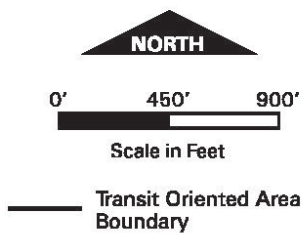
Map 2 of 4

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**TITLE 3
ADMINISTRATION**



Map Revised December 8, 2006

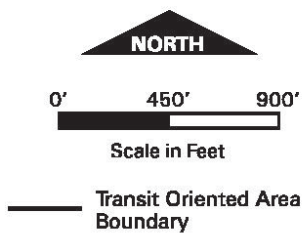


**Map 3.103-12
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

**Transit Oriented Areas along
NE Martin Luther King Jr. Blvd. Main Street**

Map 3 of 4

Bureau of Planning • City of Portland, Oregon



Map 3.103-12 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

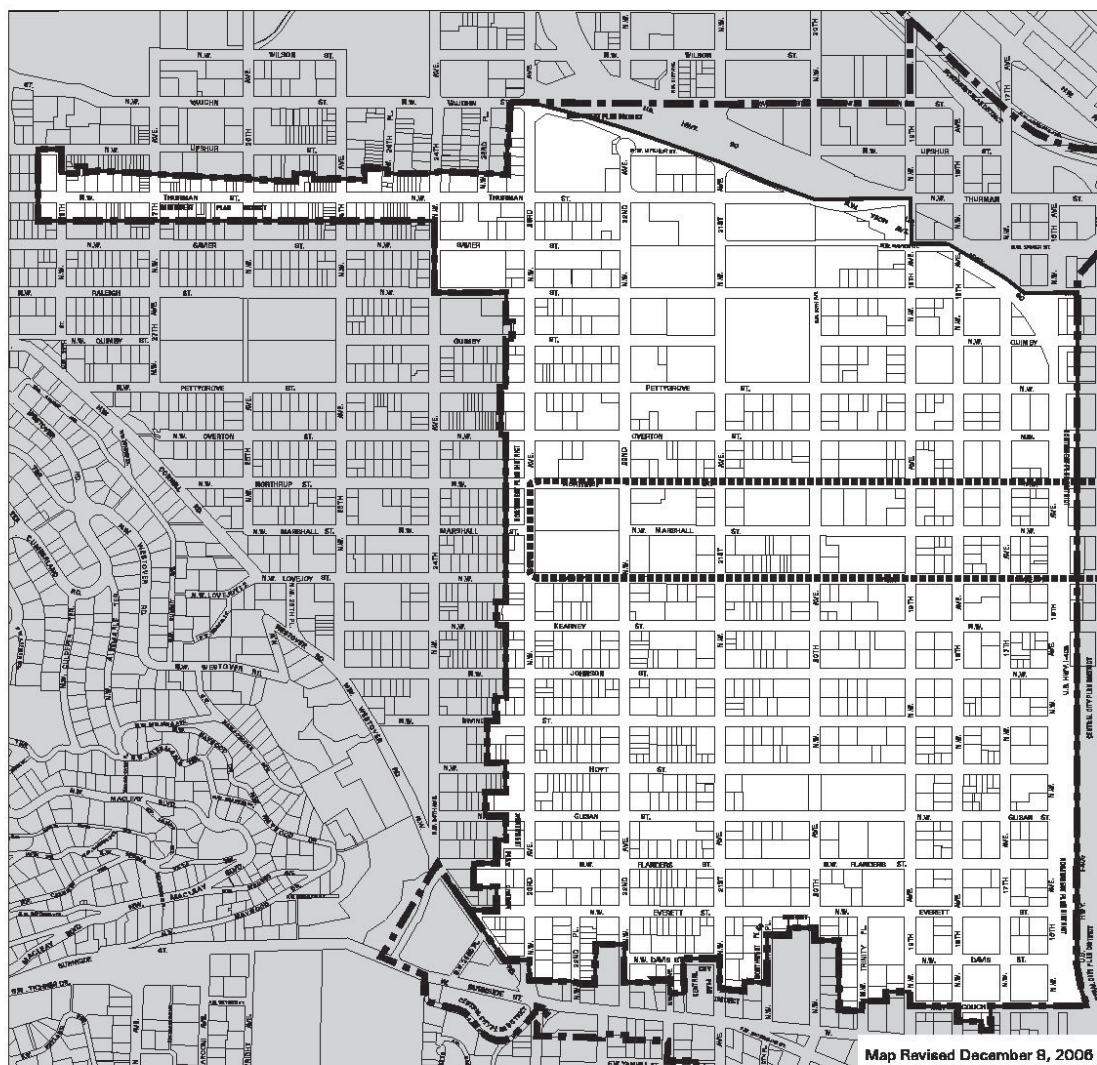
Transit Oriented Areas along
NE Martin Luther King Jr. Blvd. Main Street

Map 4 of 4

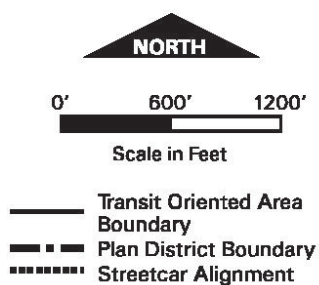
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TITLE 3

ADMINISTRATION



Map Revised December 8, 2006



Map 3.103-13
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Northwest Plan District

Bureau of Planning • City of Portland, Oregon

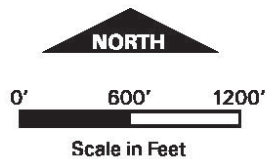
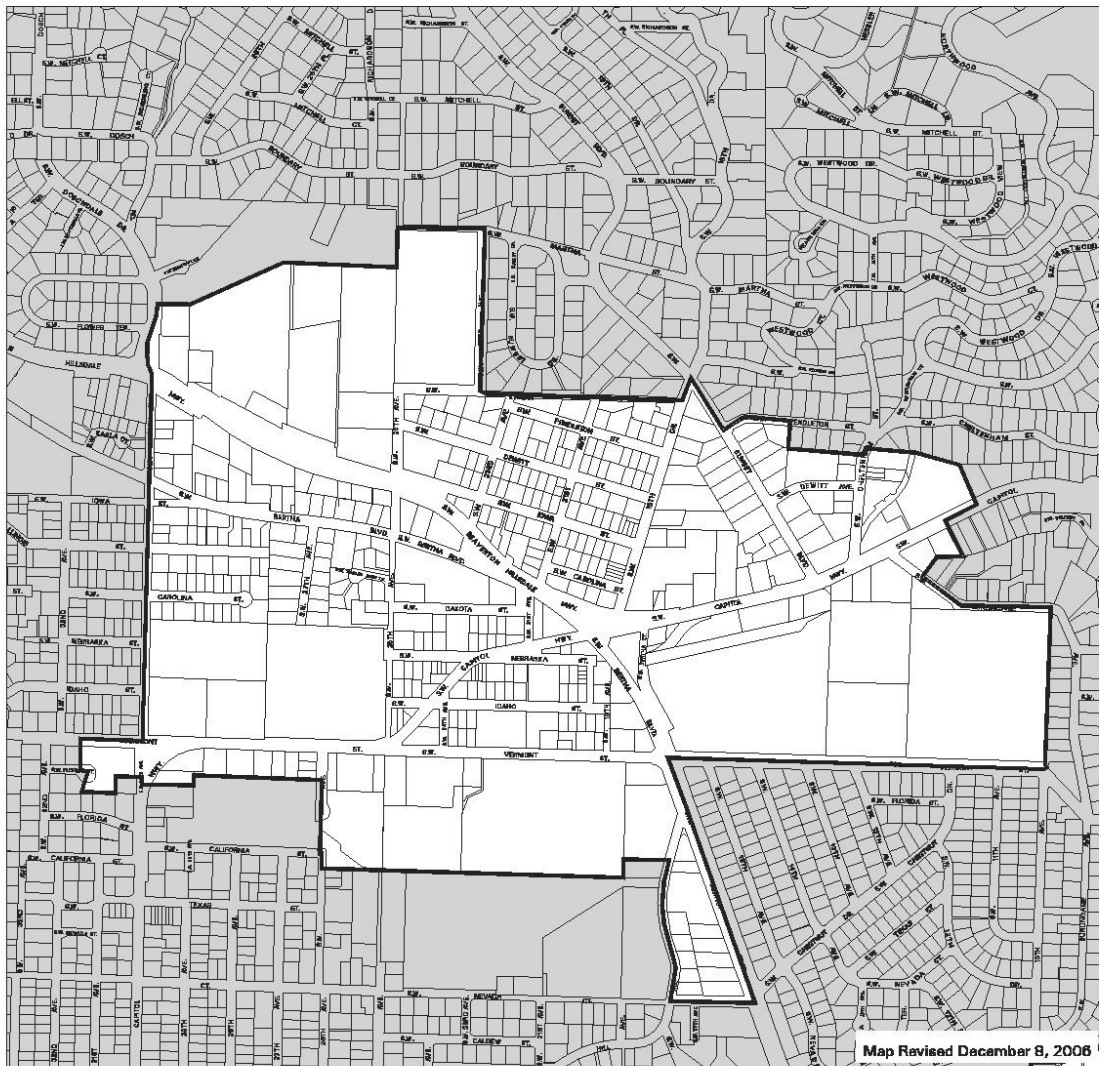


Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

SW Barbur and Terwilliger Boulevards

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**TITLE 3
ADMINISTRATION**



**Map 3.103-15
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

Hillsdale Town Center

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TITLE 16

VEHICLES AND TRAFFIC

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- 16.10.001 Purpose.
- 16.10.020 Where Regulations Apply.
- 16.10.030 Authority to Direct Traffic on Public Rights of Way.
- 16.10.050 Compliance Required.
- 16.10.060 Citations and Nuisances.
- 16.10.080 Altering or Erecting Traffic Control Devices.
- 16.10.100 Road Authority.
- 16.10.200 Duties of the City Traffic Engineer.
- 16.10.300 Administrative Policy and Procedures.
- 16.10.400 Regulation Standards.
- 16.10.500 Fees and Charges.
- 16.10.600 Authority of Law Enforcement and Fire Officers.
- 16.10.650 Parking Code Enforcement Officers.

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- 16.20.110 Generally.
- 16.20.120 Prohibited Parking or Stopping of a Vehicle.
- 16.20.130 Prohibited in Specific Places.
- 16.20.150 Prohibited Practices.
- 16.20.160 Use of Streets in Lieu of Off-street Parking or Storage.
- 16.20.170 Storing Property on Street Prohibited.
- 16.20.190 Successive Violations.
- 16.20.200 Regulated Parking Zones.
- 16.20.201 Purpose.
- 16.20.203 Regulated Parking Zone Designations.
- 16.20.205 Enforcement of Regulated Parking Zones.
- 16.20.210 No Parking Zones.
- 16.20.213 No Parking or Stopping Zone.
- 16.20.215 Theater Zone.
- 16.20.220 Truck Loading Zone.
- 16.20.230 Bus Zone.
- 16.20.235 Tri-Met Bus Zone.
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- 16.20.250 Disabled Person Zone.
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- 16.20.270 Carpool Zone.

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16.20.405	Enforcement of Metered Parking Spaces.
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16.20.420	Determination of Meter District Boundaries.
16.20.430	Meter Time (on City of Portland Right-of-Way).
16.20.431	City of Portland Owned or Operated Property
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16.20.460	Parking Space Reservation.
16.20.470	Injury to or Theft From Meters; Unauthorized Possession of Implement, Invalid Receipt.
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16.20.503	Current Approval Required Before Use.
16.20.505	All Traffic Laws Apply to Permit Holder.
16.20.510	Construction Area Permit.
16.20.520	Maintenance Hood Permit.
16.20.530	Temporary Truck Loading Area Permit.
16.20.540	Angle Loading Permit.
16.20.550	Travel Lane Parking Permit.
16.20.560	Special Use Permit.
16.20.595	Improper Use.
16.20.600	Vehicle Parking Permits.
16.20.601	Purpose.
16.20.603	Current Approval Required Before Use.
16.20.605	All Traffic Laws Apply to Permit Holder.
16.20.610	Media Permit.
16.20.620	Commercial Permit.
16.20.630	Delivery Permit.
16.20.640	Disabled Person Permit.
16.20.645	Wheelchair User Disabled Person Parking Permit.
16.20.650	Government Permit.
16.20.660	Nonprofit Permit.
16.20.670	Carpool Permit for Metered Parking.
16.20.675	Carpool Zone Permit.
16.20.680	Other Permit.
16.20.695	Improper Use.
16.20.800	Area Parking Permit Program.
16.20.801	Purpose.
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16.20.830	Area Eligibility.
16.20.840	Process.
16.20.850	Program Administration.
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Chapter 16.30

TOWING & DISPOSITION OF VEHICLES

16.30.001	Purpose.
16.30.100	Authority to Tow Vehicles and Establish Hearing Procedures.
16.30.200	Vehicle Towing.
16.30.210	When a Vehicle May be Towed.
16.30.220	Towing Without Prior Notice.
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16.30.240	Towing Upon Order of Circuit Court.
16.30.300	Notice of Vehicle Tow.
16.30.310	Notice Prior to Tow.
16.30.320	Notice After Vehicle Tow.
16.30.340	Unidentifiable Vehicle.
16.30.350	Notice to Contest Tow When Vehicle Claimed.
16.30.400	Tow Hearing Procedure.
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16.30.450	Hearing Administration.
16.30.500	Fee Payments and Vehicle Release Procedure.
16.30.510	Towing and Storage Rates.
16.30.520	Charges and Release of Vehicle.
16.30.530	When Tow Found Invalid.
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16.30.600	Selling Abandoned Vehicles.
16.30.610	When a Vehicle May Be Sold.
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16.30.700	Moving Vehicles for Street and Utility Maintenance and for Emergencies.
16.30.710	Authority to Move Vehicles.
16.30.720	When a Vehicle May Be Moved.
16.30.730	Manner of Moving Vehicle.
16.30.800	Regulation of Towers.
16.30.810	Solicitation of Towing Business at Accidents Prohibited.
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Chapter 16.40

PRIVATE FOR-HIRE TRANSPORTATION REGULATIONS

- 16.40.010 Purpose.
- 16.40.020 Chapter Applies to all Companies, Drivers and Vehicles.
- 16.40.030 Definitions.
- 16.40.040 Private For-Hire Transportation Board of Review.
- 16.40.050 Board Authority.
- 16.40.060 Board Standing Committees.
- 16.40.070 Fuel Surcharges.
- 16.40.080 Pedicab Driver Permits Required – Application Process & Requirements.
- 16.40.090 LPT and Taxi Driver Permits Required – Application Process & Requirements.
- 16.40.100 Issuance of Driver’s Permit; Term; Replacements.
- 16.40.110 Further Review and/or Denial of a Driver Permit Application.
- 16.40.120 Driver Permit Renewals; Consequences of Failure to Renew.
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Chapter 16.10

ADMINISTRATIVE PROVISIONS

(New Title substituted by Ord. No. 165189,
effective July 1, 1992.)

Sections:

- 16.10.001 Purpose.
- 16.10.020 Where Regulations Apply.
- 16.10.030 Authority to Direct Traffic on Public Rights of Way.
- 16.10.050 Compliance Required.
- 16.10.060 Citations and Nuisances.
- 16.10.080 Altering or Erecting Traffic Control Devices.
- 16.10.100 Road Authority.
- 16.10.200 Duties of the City Traffic Engineer.
- 16.10.300 Administrative Policy and Procedures.
- 16.10.400 Regulation Standards.
- 16.10.500 Fees and Charges.
- 16.10.600 Authority of Law Enforcement and Fire Officers.
- 16.10.650 Parking Code Enforcement Officers.

16.10.001 Purpose.

This chapter describes the authority of the City to establish traffic laws and to erect traffic control devices. It also describes the specific authorities of certain City officers and employees to administer and enforce the Code.

16.10.020 Where Regulations Apply.

(Amended by Ordinance Nos. 172976, 177028 and 179141, effective March 23, 2005.)

The regulations of this chapter apply to all City of Portland owned or operated property, public rights-of-way, other designated public areas in the City of Portland and to private property specifically noted in this chapter.

16.10.030 Authority to Direct Traffic on Public Rights of Way.

(Added by Ordinance No. 176394, effective April 17, 2002.) Officers and reserve officers of the Portland Police Bureau are authorized to direct, redirect, limit or restrict pedestrian and/or vehicular traffic on any public right of way.

16.10.050 Compliance Required.

It is unlawful for a pedestrian or the operator of any vehicle to disobey the instructions of a traffic control device placed in accordance with the provisions of this Title, unless otherwise directed by an authorized officer.

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It is unlawful for any person to refuse or fail to comply with any lawful order, signal, or the direction of any officer displaying a badge with the legal authority to direct, control, or regulate traffic.

16.10.060 Citations and Nuisances.

(Amended by Ord. No. 165987 and 170923, effective March 21,1997.)

- A.** When a vehicle is found in violation of this Title or any other Title of the City Code or state law, the officer finding the vehicle will:
 - 1.** note the license number and/or any other information displayed on the vehicle that may identify the owner; and
 - 2.** issue to the operator or place in a conspicuous space on the vehicle involved in the violation a serially numbered parking citation.
- B.** The citation will instruct the vehicle owner to answer to the charge or pay the penalty imposed within a specific number of days, during specific hours, and at a specific place or to be mailed in a specific number of days.
- C.** It is a violation of this Title to be the owner of a vehicle parked in violation of any of the provisions of this Title.
- D.** It is unlawful for any unauthorized person to change, erase, alter mar, mark, mutilate, or destroy a traffic citation form that has been issued under authority of this Title.
- E.** Unless otherwise provided for in this Title, any person violating a provision of this Title is subject to a fine of up to \$500 upon conviction of the violation.
- F.** The court may proceed to make a determination, enter a disposition, and enter a judgement without a hearing on a citation issued under this Title if the person cited fails to request a hearing within the time provided on the citation. In no event shall a judgement be taken sooner than 60 days from the date of the citation and without prior notice by mail to the person against whom the judgement is taken.
- G.** When a nonvehicular violation of this Title is discovered, the adjacent property owner is responsible for all abatement proceedings.

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16.10.080 Altering or Erecting Traffic Control Devices.

(Amended by Ord. No. 166575, June 2, 1993.) It is unlawful for any person to alter in any manner a traffic control device erected or established by authority of this Title. It is also unlawful for any person to erect, display, or maintain any traffic control device without authorization of this Title.

Every unauthorized traffic control device is hereby declared to be a public nuisance and is subject to summary abatement.

The parking-prohibited area for driveways as defined in 16.20.130 (V) and 16.90.105 may be painted and maintained with traffic line yellow paint by the adjacent property owner or occupant, subject to the following:

- A. The traffic line yellow paint may extend across the apron (throat) of the driveway.
- B. The wing, radius, and/or apron paint may only be painted up to a width of the curb or to a maximum width of eight inches as measured from and beginning at the face of the wing, radius, and/or throat.
- C. The wings, curb returns, and/or aprons of driveways at locations that are officially designated as prohibitive or restrictive parking, such as “No Parking At Any Time,” “No Parking In This Block,” “Truck Loading All Hours/All Days” zones may not be painted.
The City Traffic Engineer may paint driveway clearances and stencil “No Parking” on the apron and paint keys in the road area of any driveway in the city to facilitate access upon receipt of a signed application and appropriate fee.

16.10.100 Road Authority.

(Amend by Ord. No. 170923, effective March 21, 1997.) As the City’s elected body, the City Council is the road authority for all public streets, except state highways, as designated by State Law. The City Council may delegate specific road authority to the City Traffic Engineer, City Engineer or Emergency Incident Commander as the Council deems appropriate.

16.10.200 Duties of the City Traffic Engineer.

(Amended by Ordinance Nos. 170923, 172976, 173369, 173627, 175205 and 182389, effective January 2, 2009.) The City Traffic Engineer will be designated by the Commissioner-In- Charge of the Bureau of Transportation. The City Traffic Engineer or his/her designee may exercise the following duties and responsibilities:

- A. Implement ordinances, resolutions and directions of the City Council and orders of the Commissioner-In-Charge of the Bureau of Transportation by installing, removing, and altering traffic control devices.
- B. Establish, remove, or alter traffic controls, including but not limited to:

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1. crosswalks, traffic lanes, one-way streets, stop intersections or places, and no passing zones;
 2. intersection channelization and areas where vehicle drivers may not make right, left, or U-turns, and the time when the prohibition applies;
 3. parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal);
 4. regulated parking zones;
 5. traffic control signals and any device that regulates a traffic control signal;
 6. bicycle lanes and traffic controls for such facilities; and
 7. other regulatory, warning, and guide signs.
- C.** Issue vehicle parking permits that authorize specified parking privilege.
- D.** Temporarily reserve portions of the street area according to regulations found in Section 16.20.500.
- E.** Issue vehicle permits for the movement of over dimensional vehicles on or over City streets.
- F.** Designate certain streets where certain classes of over dimensional vehicles may move on or over without a permit.
- G.** Designate streets where certain classes of vehicles may not move on or over except for local access.
- H.** Temporarily reduce speed limits when allowed by the provisions of ORS 810.180.
- I.** Designate certain streets as bridle paths and prohibit horses and animals on other streets.
- J.** Determine the location, design, and construction of streetlights.
- K.** Designate transit lanes and street locations where certain transit vehicles may proceed in a manner prohibited to other traffic.
- L.** Require the removal or pruning of any street tree, vegetation or other obstruction in the public right-of-way that obscures the visibility of or for drivers, bicyclists, or pedestrians, or in any way presents a safety hazard.

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- M.** Regulate the installation and presence of banner signs on lighting poles owned by the City.
- N.** Install temporary traffic control devices when traffic conditions constitute a danger to the public.
- O.** Whenever specifically provided in the Title, the City Traffic Engineer may assess civil penalties for violations of the provisions of Title 16. The City Traffic Engineer shall adopt rules, procedures, and forms to be used in assessing such civil penalties. In determining the amount of any civil penalty to be assessed, the City Traffic Engineer shall consider the following criteria:

 - 1.** The extent and nature of the violation;
 - 2.** The benefits, financial or otherwise, accruing or likely to accrue as a result of the violations;
 - 3.** Whether the violations were repeated and continuous, or isolated and temporary;
 - 4.** The magnitude and seriousness of the violation;
 - 5.** The City's cost of investigating the violation and correcting or attempting to correct the violation; and
 - 6.** Any other relevant factors.
- P.** The City Traffic Engineer's assessment of civil penalties may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.10.300 Administrative Rules and Procedures.

(Amended by Ordinance Nos. 173627 and 182389, effective January 2, 2009.) Traffic and Parking management rules and procedures not specified in this Code are governed by the Bureau of Transportation Rules and Procedures Manual. It is the duty of the Bureau Director to develop and implement the Bureau of Transportation's Rules and Procedures Manual. The Commissioner-In-Charge of the Bureau of Transportation or the City Council may amend the Manual at any time.

Exceptions to the Rules in the Manual may be made only with prior approval of the City Traffic Engineer or the Bureau Director. Procedures in the Manual are intended to serve as a general outline on how to apply or implement a rule or program.

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16.10.400 Regulation Standards.

The City Traffic Engineer may erect traffic control devices and impose regulations to control traffic and parking in the City of Portland. The regulations of the City Traffic Engineer or his/her designee will be based on:

- A.** traffic engineering principles and traffic investigations;
- B.** standards, limitations, and rules issued by the Oregon Transportation Commission; and
- C.** other recognized traffic control standards.

16.10.500 Fees and Charges.

(Amended by Ordinance Nos. 170923, 173627, 182389 and 183829, effective July 1, 2010.) The Transportation Director and/or City Council may establish fees and charges. If a larger fee is required elsewhere in this Title for any class of permit, the larger fee shall apply; otherwise the following fees and charges shall be paid unless the Transportation Bureau Director or Council has granted a specific permit for a different fee.

All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Transportation Fee Schedule included in Portland Policy Documents, as amended annually by Council effective with the fiscal year budget.

16.10.600 Authority of Law Enforcement, Fire Officers, and Emergency Incident Commanders.

(Amended by Ordinance Nos. 170923 and 180917, effective May 26, 2007.) If a fire or other public emergency occurs, officers of the Bureau of Police and Portland Fire & Rescue may direct traffic as conditions require, notwithstanding the provisions of this Title. In the event of an emergency or disaster that results in the implementation of the City Basic Emergency Services Plan, as established in Chapter 15.12, the Incident Commander may direct traffic and parking controls appropriate to the incident, notwithstanding the provisions of this Title.

16.10.650 Parking Code Enforcement Officers.

(Amended by Ordinance Nos. 170923, 173627, 176394, 179141 and 182389, effective January 2, 2009.) Parking code enforcement supervisors and officers under the administration and control of the Bureau of Transportation as established in Section 3.12.010, will serve as follows:

- A.** The duties of the position of parking code enforcement officer are to provide assistance as special police officer in the enforcement of parking regulations as provided by this Title, and other related work under the direction of the Bureau Director.

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- B.** Persons appointed as parking code enforcement officers or as supervisors, will be special police officers of the City. As special police officers, the parking code enforcement officers and supervisors will have authority to issue citations for parking violations, including violations of disabled zones on property that is open to the public outside of the public right-of-way, or on City of Portland owned or operated property.

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Chapter 16.20

PUBLIC RIGHT-OF-WAY PARKING

Sections:

16.20.001	Purpose.
16.20.100	General Parking Methods.
16.20.110	Generally.
16.20.120	Prohibited Parking or Stopping of a Vehicle.
16.20.130	Prohibited in Specific Places.
16.20.150	Prohibited Practices.
16.20.160	Use of Streets in Lieu of Off-street Parking or Storage.
16.20.170	Storing Property on Street Prohibited.
16.20.190	Successive Violations.
16.20.200	Regulated Parking Zones.
16.20.201	Purpose.
16.20.203	Regulated Parking Zone Designations.
16.20.205	Enforcement of Regulated Parking Zones.
16.20.210	No Parking Zones.
16.20.213	No Parking or Stopping Zone.
16.20.215	Theater Zone.
16.20.220	Truck Loading Zone.
16.20.230	Bus Zone.
16.20.235	Tri-Met Bus Zone.
16.20.240	Taxi Zone.
16.20.250	Disabled Person Zone.
16.20.260	Time Zones.
16.20.270	Carpool Zone.
16.20.280	Official/Reserved Zones.
16.20.400	Metered Parking Zones.
16.20.401	Purpose.
16.20.405	Enforcement of Metered Parking Spaces.
16.20.410	Administration of Meters, City of Portland Owned and Operated Property.
16.20.420	Determination of Meter District Boundaries.
16.20.430	Meter Time (on City of Portland Right-of-Way).
16.20.431	City of Portland Owned or Operated Property
16.20.440	Meter Fees.
16.20.445	Pay Stations.
16.20.450	Obstruction of Meters.
16.20.460	Parking Space Reservation.

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16.20.470	Injury to or Theft From Meters; Unauthorized Possession of Implement, Invalid Receipt.
16.20.500	General Parking Permits.
16.20.501	Purpose.
16.20.503	Current Approval Required Before Use.
16.20.505	All Traffic Laws Apply to Permit Holder.
16.20.510	Construction Area Permit.
16.20.520	Maintenance Hood Permit.
16.20.530	Temporary Truck Loading Area Permit.
16.20.540	Angle Loading Permit.
16.20.550	Travel Lane Parking Permit.
16.20.560	Special Use Permit.
16.20.595	Improper Use.
16.20.600	Vehicle Parking Permits.
16.20.601	Purpose.
16.20.603	Current Approval Required Before Use.
16.20.605	All Traffic Laws Apply to Permit Holder.
16.20.610	Media Permit.
16.20.620	Commercial Permit.
16.20.630	Delivery Permit.
16.20.640	Disabled Person Permit.
16.20.645	Wheelchair User Disabled Person Parking Permit.
16.20.650	Government Permit.
16.20.660	Nonprofit Permit.
16.20.670	Carpool Permit for Metered Parking.
16.20.675	Carpool Zone Permit.
16.20.680	Other Permit.
16.20.695	Improper Use.
16.20.800	Area Parking Permit Program.
16.20.801	Purpose.
16.20.810	Definitions.
16.20.830	Area Eligibility.
16.20.840	Process.
16.20.850	Program Administration.
16.20.860	Violation and Enforcement.
16.20.900	City Owned Parking Garages.

16.20.001 Purpose.

(Amended by Ordinance Nos. 165594 and 179141, effective March 23, 2005.) This chapter describes the regulation of parking on City of Portland owned or operated property, including but not limited to surface parking lots, parking structures and designated parking areas; and public right-of-ways, including but not limited to streets, designated parking areas, planting strips, and sidewalks.

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The Public Property and Right-of-Way Parking Chapter is organized in six sections:

- A.** 16.20.100 General Parking Methods describes the general rules of legal parking and enforcement of parking regulations.
- B.** 16.20.200 Regulated Parking Zones describes additional regulations for public areas that are designated for no or limited-term parking or only for specific parking uses.
- C.** 16.20.400 Metered Parking Zones describes additional regulations for parking in areas with parking meters.
- D.** 16.20.500 General Parking Permits describes the privileges and regulations that apply to general parking permits issued by the City Traffic Engineer or the City Engineer. These permits allow a person to reserve the public right-of-way for certain uses during a defined period of time. General Parking Permits are generally issued to a person but may require the use of vehicle identification cards.
- E.** 16.20.600 Vehicle Parking Permits describes the privileges and regulations that apply to vehicle permits issued by the City Traffic Engineer. Vehicle Parking Permits are usually issued to a specific vehicle(s).
- F.** 16.20.800 Area Parking Permit Program provides additional protection and parking management to areas with commuter parking problems.

16.20.100 General Parking Methods.

16.20.110 Generally.

(Amended by Ord. No. 165594, July 8, 1992.) All persons parking a vehicle in the City of Portland must comply with the following rules in addition to any rules mandated by a parking zone, permit, or district, unless specifically directed otherwise by this Title, a traffic control device or an authorized officer.

- A.** Emergency vehicles may stop or park in any manner necessary at any time while serving an emergency.
- B.** No person may park or stop a vehicle other than in the direction of traffic.
- C.** When parking spaces are designated on a street with parking space markings, the vehicle must be parked in such a manner that the entire vehicle is located within official parking space markings.

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- D.** When parking spaces are not designated on a street with parking space markings and when angle parking is not lawful, the vehicle must be parked in such a manner that both the front and rear tires closest to the curb or curb line are located not more than 1 foot from the curb or curb line.
A two or three wheeled vehicle may park at an angle or perpendicular to traffic flow if its tire closest to the curb or curb line is located not more than one foot from the curb or curb line and the vehicle does not extend more than eight feet from the curb or curb line.
- E.** The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street or public lot has priority to park in that space, and no other vehicle operator or person may attempt to interfere.
- F.** When the operator of a vehicle discovers the vehicle is parked adjacent to a building to which the fire department has been summoned, the operator must immediately remove the vehicle from the area unless directed otherwise by police or fire officers.

16.20.120 Prohibited Parking or Stopping of a Vehicle.

(Amended by Ordinance Nos. 165594, 166575, 170923, 173369, 176394, 176955 and 179141 effective March 23, 2005.) Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle:

- A.** While such vehicle is equipped with a vehicle alarm unless such system is designed to, and does in fact, cease emitting an intermittent or constant sound after an aggregate time of 3 minutes within a 15 minute period on any public right-of-way or in a public park.
- B.** To angle load/unload (except within a legal angle parking space) on any street unless specifically authorized by an angle loading permit. Unauthorized angle loading is hereby declared to be a traffic hazard and is subject to summary abatement.
- C.** At an angle to traffic flow except:

 - 1.** Where angle parking is designated by official parking space markings or other traffic control devices.
 - 2.** That a two or three wheeled vehicle may park in a legal parking area at an angle or perpendicular to traffic flow in accordance with 16.20.110 C. and D.

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- D.** Outside of or across an official line or mark designating a parking space, or between such lines in a maneuvering area.
- E.** So as to prevent the free passage of other vehicles, including rail vehicles and bicycles, on any street, alley or City of Portland owned or operated property.
- F.** On or over an official fog or edge line.
- G.** Adjacent to a curb painted or taped yellow if the paint or tape is authorized by the City Traffic Engineer.
- H.** When the vehicle is: a truck, a truck trailer, a motor bus, a recreational vehicle, a utility trailer, a drop box or storage container, or has two or more rear axles in the public right-of-way adjacent to or directly across from residential, public park, church, or school property, except:
 - 1.** When loading/unloading property belonging to the occupants of or performing a service on the adjacent residence, for a period not to exceed 8 hours; or
 - 2.** A recreation vehicle when servicing or loading/unloading the vehicle for a period not to exceed 8 hours.
 - 3.** That a vehicle may park adjacent to or directly across from public park property if authorized by a written permit from the Bureau of Parks and Recreation.
- I.** When the vehicle is: a truck, truck trailer, a motor bus, recreational vehicle, a utility trailer, a drop box or storage container, or has two or more rear axles in the public right-of-way adjacent to or directly across from commercial or industrial property, except:
 - 1.** Between the hours of 6 a.m. and 4 p.m. for a period not to exceed 4 hours; or
 - 2.** Between the hours of 4 p.m. and 6 a.m. when adjacent to a business or industry normally operating a regular work shift during these hours while loading/unloading a vehicle in conjunction with the operation of this business for a period not to exceed 2 hours.
- J.** On the roadway side of a vehicle which is stopped or parked:
 - 1.** In an officially designated parking space; or

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- 2. Adjacent to the curb line of a street.
- K.** Alongside or opposite a street excavation or obstruction when stopping or parking would obstruct traffic.
- L.** That is required by state law to be registered that is not registered, whose registration has expired or that does not have a current permit in lieu of registration, or fails to display current registration.
- M.** Without doing all of the following if leaving the vehicle unattended:
 - 1. Stopping the engine;
 - 2. Turning the front wheels to the curb or side of the street when on any grade;
 - 3. Locking the ignition;
 - 4. Removing the key from the ignition; and
 - 5. Effectively setting the brake on the vehicle.
- N.** If the vehicle is a drop box parked during the hours of sunset to sunrise without reflective devices on the edge or side of the vehicle nearest the center of the street. The reflective device must be plainly visible for a distance of 200 feet in either direction from the drop box, parallel with the center of the street.
- O.** If the vehicle is a drop box within 50 feet of an intersection without permission of the City Engineer, City Traffic Engineer, or the Bureau of Development Services. This regulation does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.
- P.** In the public right-of-way, public park, or city-owned or operated property if the vehicle is abandoned.
- Q.** In a manner that creates a traffic hazard impeding the safe movement of vehicular or pedestrian traffic.
- R.** That is required by law to display two registration plates if a plate is not displayed on the front and the rear of the vehicle.
- S.** Which is a government vehicle, in a parking space where government vehicles are prohibited.

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- T.** Any violation of the City of Portland, Transportation Administrative Rule is subject to citation or fine for each violation.

16.20.130 Prohibited in Specified Places.

(Amended by Ord. No. 165594, July 8, 1992.) Except when specifically directed by authority of this Title or when necessary to avoid conflict with other traffic, it is unlawful to park or stop a vehicle in any of the following places:

- A.** Within 50 feet of an intersection when:
- 1.** The vehicle or a view obstructing attachment to the vehicle is more than 6 feet in height; or
 - 2.** Vehicle design, modification, or load obscures the visibility or view of approaching traffic, any traffic control sign, any traffic control signal, or any pedestrian in a crosswalk.
This regulation does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.
- B.** Within 15 feet of a driveway to any fire station unless allowed by official signs or markings.
- C.** Within 10 feet of any fire hydrant, even when not marked by traffic control devices, except attended taxi cabs lawfully occupying properly signed taxi zones.
- D.** In front of any portion of a handicap access ramp.
- E.** In front of and 10 feet on either side of a rural (vehicle) delivery mail box between 8 a.m. and 6 p.m., except Sundays and official postal holidays.
- F.** Within any city park or golf course except in officially designated parking areas during the time the park is open to the public. This provision does not apply to City or City-authorized vehicles used in park or golf course service, or to vehicles authorized by a written permit from the Bureau of Parks and Recreation.
- G.** In violation of the provisions of any area parking permit program as defined in 16.20.800.
- H.** On any mass transit lane or street as defined in Section 16.50.
- I.** On any planting strip, sidewalk, or pedestrian way.
- J.** On a shoulder unless a clear and unobstructed traffic lane of the roadway adjacent to the vehicle is left for the passage of other vehicles, and:

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1. The stopped or parked vehicle is visible from a distance of 200 feet in each direction upon the roadway; or
 2. A person, at least 200 feet in each direction upon the roadway, warns approaching motorists of the parked vehicle by use of flag persons, flags, signs or other signals.
- K.** On the approaches to or upon any restricted access highway, bridge, viaduct, or other elevated structure, unless permitted by authority of this Title.
- L.** On City-owned or City-operated property designated for vehicle parking by authorized City personnel only, without consent of the City, if there is in plain view on such property a sign prohibiting or restricting public parking.
- M.** Over, upon, or in such manner as to prevent access to any water meter, gate valve, or other appliance in use on any water meter connection of the Portland Water Bureau, located on public property, the public right-of-way or private property.
- N.** On any municipal terminal except in the place and manner permitted by official signs or markings.
- O.** On any pier or dock of a municipal terminal except when loading/unloading freight in compliance with any official signs or markings.
- P.** On or within an intersection.
- Q.** On or within a crosswalk.
- R.** Within any tunnel unless parking in officially designated spaces.
- S.** Within 7 feet of the nearest rail of a railroad track or within 25 feet of the center line of any set of tracks at any railroad or light rail crossing unless parking in officially designated spaces.
- T.** In the area between roadways of a divided street or highway.
- U.** On or within a bicycle lane, path, or trail.
- V.** In front of any portion of a driveway ingress/egress to the public right-of-way.

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16.20.150 Prohibited Practices.

(Amended by Ordinance Nos. 165594, 166575 and 176585, effective July 5, 2002.) No person may park or permit to be parked a vehicle on a street or other public property for the principal purpose of:

- A.** Displaying the vehicle for sale;
- B.** Repairing or servicing the vehicle, except while making repairs necessitated by an emergency for a period not to exceed 8 hours or as allowed for recreational vehicles in 16.20.120 (H2);
- C.** Displaying advertising from the vehicle; or
- D.** Selling merchandise from the vehicle, except when authorized by permit or City Code. See also: 14A.50.030, 14A.50.050, 16.60.100 F., 16.70.550, 17.25, 17.26.

16.20.160 Use of Streets in Lieu of Off-street Parking or Storage Prohibited.

(Added by Ordinance No. 171455; amended by Ordinance Nos. 176394 and 182456, effective December 24, 2008.)

- A.** It is unlawful for any public vehicle parking business, vehicle sales, repair, or servicing business to cause or permit a vehicle to be parked on a street, alley, lane, or other public right of way while such vehicle is in the custody, control, or possession of the business for the purpose of being parked, offered for sale, repaired, or serviced.
- B.** As used in this Section, “public vehicle parking business” means the business of offering off-street vehicle parking or storage for a fee; “vehicle sales, repair, or servicing business” means the business of offering new or used vehicles for sale, lease, or rent, or of offering vehicle repairs or servicing; “vehicle” means any device, including any major portion or part thereof, in, on, upon, or by which any person or property may be transported or drawn upon a public highway except a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.
- C.** If a vehicle is parked on a street, alley, or lane, or other public right of way while in the custody, control, or possession of a public vehicle parking business or a vehicle sales, repair, or servicing business for the purpose of being parked or stored, offered for sale, lease, or rent, or being serviced or repaired, it is prima facie evidence that the person engaged in such business caused or permitted such vehicle to be so parked.
- D.** It is unlawful for any business entity to store more than one vehicle on any block face between the hours of 8:00 p.m. and 6:00 a.m.

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- E.** The owner of the business, operator of the business, or the owner of the property where the business is located shall be the party responsible for any violation of this Section.

16.20.170 Storing Property on Street Prohibited.

(Amended by Ordinance Nos. 165594, 172788 and 176955, effective October 9, 2002.)

- A.** No person may store, or permit to be stored, a vehicle or other personal property on public right-of-way or other public property in excess of 24 hours without permission of the City Engineer, the City Traffic Engineer, or the Bureau of Development Services.
- B.** Failure to operate and move a vehicle or move nonvehicular property off of the block face within a 24-hour period constitutes prima facie evidence of storage and may be abated.
- C.** Nonvehicular property stored for any amount of time in a metered space or regulated parking zone is a nuisance and may be summarily abated.
- D.** Notwithstanding section A above, vehicles described in section 16.20.120 H and I are subject to the limitations established in those sections.

16.20.190 Successive Violations.

- A.** After a citation for overtime parking has been issued and the cited vehicle remains parked or stopped within 500 feet on the same block face of where parked when cited for the previous violation, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official signs, markings, or meters. A separate citation may be issued for each successive violation.
- B.** After a citation for unlawful parking other than overtime parking is issued and the cited vehicle remains parked or stopped within 500 feet on the same block face of where parked when cited for the previous violation and continues to park in violation of parking law(s), a separate violation occurs on the next calendar day from when the last citation was issued. A separate citation may be issued for each successive violation.

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16.20.200 Regulated Parking Zones.

16.20.201 Purpose.

Parking Zones are designated by the City Traffic Engineer to manage parking and traffic congestion in areas with special parking needs.

16.20.203 Regulated Parking Zone Designations.

- A.** Anyone may request that the City Traffic Engineer designate a regulated parking zone on any particular street or highway.
- B.** When evaluating designation of a regulated parking zone, factors the City Traffic Engineer may consider include:
 - 1.** The nature of land use within the block;
 - 2.** The volume of traffic;
 - 3.** The volume of parking;
 - 4.** The width of surface of the street;
 - 5.** The relationship between the need for parking space for the land use in the block, for the use of the regulated parking zone, and the need for parking space for the general public;
 - 6.** Patrons and prospective patrons of the places within the block or area to be served by the parking zone; and
 - 7.** The hours of day or night when use of the parking zone is necessary or most convenient.
- C.** The standard for determining the location and size of any regulated parking zone will be the public welfare.

16.20.205 Enforcement of Regulated Parking Zones.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A.** A sign which regulates the amount of time a vehicle may park such as “Parking 30 minutes”, is in effect from 8 a.m. to 6 p.m. Monday through Saturday, excluding City recognized holidays, unless the regulating sign shows other restrictions for days or hours.
- B.** A sign without stated hours or days which regulates parking zones such as “No Parking”, “No Parking This Block”, “Bus Zone”, or “Truck Loading Zone, No

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Parking Anytime” is in effect all hours of all days, including City recognized holidays.

- C.** A sign which prohibits parking during certain hours or days such as “No Parking 7 a.m. to 9 a.m. Monday through Friday” or “Truck Loading Zone 7 a.m. to 6 p.m. Monday through Friday” is in effect during the days and times shown on the sign, excluding City recognized holidays.
- D.** For a parking sign which has an arrow, the direction in which the head of the arrow points is the direction that the regulation is in effect.
- E.** It is unlawful to put nonvehicular property in a regulated parking zone without permission of the City Engineer, the City Traffic Engineer or the Bureau of Development Services. Any nonvehicular property stored in a regulated parking zone is a nuisance and may be summarily abated.

16.20.210 No Parking Zones.

No vehicle may park in any no-parking zone at any time. Vehicles may stop in a no parking zone for a period not to exceed 30 seconds only to load/unload passengers.

16.20.213 No Stopping or Parking Zone.

No vehicle may stop or park in any no parking or stopping zone.

16.20.215 Theater Zone.

A vehicle may not park in a theater zone while the theater adjacent to the zone is open to the public. Theater hours must be posted and clearly readable from the theater zone. Vehicles may stop for the purpose of loading/unloading passengers for a period not to exceed 30 seconds.

16.20.220 Truck Loading Zones.

(Amended by Ordinance Nos. 165594, 166575, 176394 and 179141, effective March 23, 2005.)

- A.** Truck loading zones are established to prevent double parking and other illegal parking by designating a supply of parking spaces dedicated to the delivery of merchandise by trucks to commercial properties.
- B.** Only the following vehicles, while being actively loaded or unloaded, may park in a truck loading zone for no more than 30 minutes:
 - 1.** A truck as defined by this Title;

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2. A vehicle defined by its Department of Motor Vehicles registration as a truck, van, or pick-up that exhibits the commercial nature of the vehicle according to paragraph 6;
 3. A passenger or other vehicle with an official commercial loading permit as defined in Section 16.20.620 or delivery permit as defined in Section 16.20.630 that exhibits the commercial nature of the vehicle according to paragraph 6;
 4. Any vehicle with Farm Vehicle registration plates when actively engaged in loading/unloading merchandise; or
 5. Taxicabs with a current taxicab permit as defined in Section 16.40.220 when actively engaged in loading/unloading passengers or packages, for a period not to exceed 15 minutes.
 6. Commercial signage required by this section must be:
 - a. On both sides of the vehicle;
 - b. Magnetic, static cling vinyl (which may not be used on tinted windows), decals or permanently painted;
 - c. No smaller than 8 1/2" by 11";
 - d. In 2-inch or larger lettering;
 - e. In a color that clearly contrasts with the color on which the lettering is displayed; and
 - f. In lettering that is clearly visible at a distance of 20 feet.
- C.** Upon leaving a truck loading zone, a vehicle must vacate the block face of said truck loading zone or move 500 feet as measured along the curb line for a period of 1 hour before returning to a truck loading zone, a time zone, or a metered space, on the same block face.
- D.** Truck loading zones should not be located within 50 feet of an intersection in order to facilitate traffic safety. This does not apply to the area of the street where the direction of traffic is leaving an intersection on a one-way street.

16.20.230 Bus Zone.

Only a motor bus may park in a bus zone.

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16.20.235 Tri-Met Bus Zone.

No vehicle may park in any Tri-Met Bus Zone, except:

- A.** A Tri-Met Bus or a contract or franchise bus of Tri-Met while passenger loading/unloading for a period not to exceed 2 minutes;
- B.** When allowed by the terms of a contract or franchise with the City of Portland for a period not to exceed 2 minutes; or
- C.** A taxicab for a period not to exceed 15 minutes. Taxicabs may not use Tri-Met bus zones during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
- D.** The buses described in subsections A and B may park in a designated Tri-Met bus lay over zone for a period not to exceed 30 minutes.

16.20.240 Taxi Zone.

(Amended by Ordinance No. 176394, effective April 17, 2002.)

- A.** Location of taxi zones will be determined by the City Traffic Engineer with the advice of the Taxicab Regulation Supervisor.
- B.** No vehicle may park in a taxi zone except a taxicab operated by authority of a current taxicab company permit and displaying a current taxi plate issued pursuant to PCC 16.40.710 E.
- C.** No taxicab driver may leave a vehicle unattended in a taxi zone adjacent to a fire hydrant for any reason.
- D.** No person may leave a taxicab unattended in any taxi zone not adjacent to a fire hydrant except when assisting passengers to enter or alight from the taxicab or to carry a passenger's baggage or when delivering packages, and then for a period not to exceed 15 minutes.
- E.** No person may make repairs to a taxicab parked in a Taxi Zone.

16.20.250 Disabled Person Zone.

No vehicle may stop or park in a disabled zone except:

- A.** a vehicle transporting a disabled person with an official disabled person placard issued by the Department of Motor Vehicles;
- B.** a vehicle with official disabled registration plates while transporting a disabled person; or

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- C. a Tri-Met bus loading/unloading disabled passengers.

16.20.260 Time Zones.

- A. A vehicle may park in a time zone only for a period not to exceed the posted time limit.
- B. A vehicle may not return to a time zone in the same block face or within 500 feet of where previously parked on the same block face for a 3-hour period.
- C. Upon expiration of the designated time limit, as indicated by the parking zone sign, a citation may be issued if a vehicle remains parked or stopped on the same block face unless:
 - 1. The vehicle has moved 500 or more lineal feet, measured along the curb or edge line;
 - 2. The vehicle has moved to an unregulated parking area in the same block face; or
 - 3. The vehicle has vacated the block face for 3 hours.

16.20.270 Carpool Zone.

No vehicle may park in a carpool zone during designated hours except vehicles displaying a current carpool permit.

16.20.280 Official/Reserved Zones.

- A. An official/reserved zone is a parking area reserved for specific vehicles.
- B. No vehicle may park in an official/reserved zone unless authorized as indicated by the sign or markings of the zone.

16.20.400 Metered Parking Zones.

(Amended by Ordinance No. 179141, effective March 23, 2005.)

16.20.401 Purpose.

Parking meters are authorized by the City of Portland as a means to increase vehicle turnover in parking spaces, to encourage short-term parking in the metered area, and to improve safety in the public right-of-way.

16.20.405 Enforcement of Metered Parking Spaces.

(Amended by Ordinance No. 179141, effective March 23, 2005.)

- A. Parking meters are in effect during all hours indicated on the meter and/or sign.
- B. All vehicles must adhere to parking meter regulations while stopped or parked in an officially designated metered parking space unless obeying the direction of an authorized officer or unless authorized for specific actions by a vehicle or general parking permit.
- C. Emergency vehicles may stop or park in any metered space at any time while serving an emergency.
- D. It is unlawful to store nonvehicular property in a metered parking space. Any nonvehicular property stored in a metered parking space is a nuisance and may be summarily abated.

16.20.410 Administration of Meters, City of Portland Owned and Operated Property.

(Amended by Ordinance No. 179141, effective March 23, 2005.)

- A. Changes to or establishment of parking meter areas, including but not limited to surface parking lots, parking structures and designated parking areas, is initiated at the sole discretion of the City Traffic Engineer.
- B. The City Traffic Engineer is authorized to enter into agreements with City Bureaus or other public bodies in order to operate their surface parking lots, parking structures or designated parking areas within the City of Portland.

16.20.420 Determination of Meter District Boundaries.

(Amended by Ordinance Nos. 173627, 179141 and 182389, effective January 2, 2009.)

- A. Changes to or establishment of a parking meter district is initiated at the sole discretion of the City Traffic Engineer.
- B. Before expanding or establishing a new parking meter district on public-right-of-way, the City Traffic Engineer must conduct a public hearing on the proposed meter district. All properties within 400 feet of and all City recognized neighborhood and business associations within 1000 feet of the proposed meter district shall be mailed notice of the public hearing at least 20 days prior to the hearing.
- C. Meter district boundaries will be proposed in the text of a report to the City Council. All persons registering their attendance at the public hearing shall be mailed notice of the City Council meeting at least 20 days prior to the meeting.

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- D.** The City Traffic Engineer may consider the following factors when determining a parking meter district boundary:
 - 1.** The amount of area presently under parking sign controls.
 - 2.** Adjacent property owner and property tenant demand and interest in having metered parking control.
 - 3.** Need for increased turnover of parking spaces and public right-of-way management.
 - 4.** Mitigation of traffic and parking impact on adjacent areas.
 - 5.** Impact on current parking meter district enforcement.
- E.** Current meter district boundaries shall be listed in the Bureau of Transportation's Rules and Procedures Manual.

16.20.430 Meter Time (on City of Portland Right-of-Way).

(Amended by Ordinance Nos. 176394 and 179141, effective March 23, 2005.)

- A.** It is unlawful for any person to park any vehicle in any parking meter space during the hours of operation of the meter without paying the parking meter fee, or to permit any vehicle in their control or custody to remain in any parking meter space longer than the time designated time limit.
- B.** At short-term meters, it is unlawful to extend the parking time beyond the designated limit for parking in the metered space.
- C.** Upon expiration of the designated time limit, as indicated by the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face unless it has moved 500 or more lineal feet as measured along the curb or edge line.
- D.** Upon leaving a metered space a vehicle may not return to a parking meter in the same block face for a 3-hour period, unless it is a metered space in the same block face that is more than 500 lineal feet, as measured along the curb or curb line, from the previously used metered space.
- E.** Upon expiration of the designated time limit indicated by the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face unless:

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1. The vehicle has moved 500 or more lineal feet, measured along the curb or edge line;
 2. The vehicle has moved to an unregulated parking area in the same block face; or
 3. The vehicle has vacated the block face for a period of 3 hours.
- F. A vehicle may not be parked in any space with a broken or “out of order” meter for a period of time longer than the time limit indicated on the meter. Payment or a valid receipt is required at all spaces regardless of whether the closest device is functioning.

16.20.431 City of Portland Owned or Operated Property.

(Added by Ordinance Nos. 179141 and 182389, effective January 2, 2009.)

- A. It is unlawful for any person to park any vehicle in any parking space during the hours of operation without paying the parking meter fee, or displaying a valid receipt, or to permit any vehicle in their control or custody to remain parked without payment of meter fees or displaying a valid receipt.
- B. It is unlawful for any person to park any vehicle with an invalid or unexpired permit or failure to display the valid permit according to the City of Portland, Bureau of Transportation Administrative Rules.
- C. Improper use of a permit by a permit holder will result in cancellation of that permit.
- D. After a citation for violation has been issued and the cited vehicle remains parked or stopped, when cited for the previous violation, a separate violation occurs upon the expiration of each successive maximum period of parking time as designated by official signs, markings, or meters. A separate citation may be issued for each successive violation.

16.20.440 Meter Fees.

(Amended by Ordinance No. 176394, effective April 17, 2002.) A sign or legend which indicates the interval of time for which parking is permitted and the fee payable for the time interval must be posted on all meters. The parking meter fee must be paid with U.S. coins or a payment card by the person parking the vehicle, except:

- A. During all the days and the hours that a meter fee is not required as indicated on the meter.

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- B.** A vehicle with a commercial or delivery permit and a vehicle allowed to use truck loading zones by right may use any metered parking space without charge on any day between the hours of 8 a.m. and 10:30 a.m. for a maximum of 30 minutes while engaged in loading/ unloading merchandise.
- C.** Any government vehicle, so identified by public registration plates, may park without fee for the maximum time limit allowable at any metered parking space.
- D.** A vehicle with a current permit authorizing parking at a meter without payment of the meter fee, as defined in Section 16.20.500 and 16.20.600.
- E.** A vehicle, for the sole purpose of loading/unloading passengers, for a period not to exceed 30 seconds.

16.20.445 Pay Stations.

(Added by Ordinance No. 176394, effective April 17, 2002.)

- A.** It is unlawful to park or permit to be parked any vehicle in a space metered by a pay station without properly displaying proof of payment.
- B.** Proper display of proof of payment means affixing the receipt to the interior of the curbside window of the vehicle in such a manner that the expiration time and date are readily visible from the exterior. For motorcycles, receipts shall be affixed where clearly visible.

16.20.450 Obstruction of Meters.

No vehicle or other property may obstruct access to a parking meter in a manner which prevents deposit of coins in the meter, visibility of the meter instructions or time limit, or visibility of any signs mounted on the meter pipe. A vehicle or other property in violation of this section is hereby declared to be a nuisance and is subject to summary abatement.

16.20.460 Parking Space Reservation.

(Amended by Ordinance Nos. 176394 and 179141, effective March 23, 2005.)

- A.** A parking space may be reserved by securing a meter hood over a single-space parking meter or by placing a space reservation marker on the sidewalk near the curb of the parking space according to the permit's administrative regulations.
- B.** A vehicle parked prior to placement of a space reservation device will not be considered parked in violation until it is parked longer than the time limit indicated on the meter.

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- C.** The issuance and use of parking meter hoods is permissive and will not be construed to vest any privilege or property right to the permittee. Hoods, padlocks, and keys remain the property of the City.
- D.** The permittee will be charged a fee for replacement and administrative costs for parking meter hoods which are lost, damaged or vandalized.
- E.** A fee will be charged to the permittee when a meter hood is not returned on the date designated.
- F.** The permittee will be charged an additional fee for each hood which is retrieved by City personnel.
- G.** The sign(s), meter hoods, or other devices designating a reserved area may only be used to reserve the number of parking spaces or total street frontage as allowed by the permit.

16.20.470 Injury to or Theft From Meters; Unauthorized Possession of Implements, Invalid Receipt.

(Added by Ordinance No. 170923; amended by 176394 and 179141, effective March 23, 2005.)

- A.** It is unlawful for any person to deface, injure, tamper with, willfully break, destroy, or impair the usefulness of any parking meter installed in public streets, public places, or elsewhere in the City, or to open or remove the same without lawful authority.
- B.** It is unlawful for any person without lawful authority to remove any coin box or the money content of such coin box or the contents of any parking meter or part thereof.
- C.** It is unlawful for any person to knowingly manufacture, duplicate, possess, or use any tool, key, implement or device designed to force, break, unlock, or otherwise gain entry to any parking meter maintained by the City unless authorized to do so by the City Traffic Engineer.
- D.** Injury to or theft from each meter as described in Subsection A and possession of each item described in Subsections B and C is a separate offense. For each such offense, in addition to the penalties otherwise provided in this Code, a court may order restitution to the City of the damages incurred for repair or re-keying parking meters as a result of injury to the meters or the use or possession of the items described in Subsection C.

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- E.** It is unlawful for any person to duplicate, copy, use or otherwise falsify a parking payment receipt.
- F.** It is unlawful for any person to damage, deface, or remove a space reservation device.

16.20.500 General Parking Permits.

16.20.501 Purpose.

General parking permits may be issued to reserve public right-of-way areas for use by designated parties. The City Traffic Engineer may issue permits, parking meter hoods, signs, or other devices to temporarily reserve public right-of-way areas outside of the Special Traffic Control District (17.23). Within the Special Traffic Control District, the City Engineer may issue a general parking permit. General parking permits may apply in designated parking zones, at parking meters, or elsewhere depending on the specifications of the permit. This section will describe each general parking permit and the regulations for enforcement of the permit.

16.20.503 Current Approval Required Before Use.

- A.** All general parking permits, including meter hoods, must have current approval of the City Engineer or the City Traffic Engineer at the time the permit is used by the permittee.
- B.** The City Traffic Engineer or City Engineer may deny a general parking permit application based on a demonstrated history of improper use by the applicant during the previous 12 months.
- C.** No permit will be issued to any applicant who has an outstanding balance due for prior violation(s) of or outstanding fees for permits issued by the City Traffic Engineer.
- D.** The City Traffic Engineer may require insurance to indemnify the City from liability before issuing a general parking permit.
- E.** Replacement permit cards may be issued by the City Traffic Engineer upon receipt of a fee from the permittee.
- F.** A decision of the City Traffic Engineer regarding the issuance of a general parking permit may be appealed to the Code Hearings Officer according to Title 22 of the Portland City Code.

16.20.505 All Traffic Laws Apply to Permit Holder.

All permit holders and permitted vehicles are subject to all traffic laws and regulations not explicitly superseded by the permit.

16.20.510 Construction Area Permit.

- A.** A construction area permit will only be issued to a person with an official street use permit, a street opening permit, a temporary street closure permit, or who is performing minor modifications or clean-up activities.
- B.** A construction area permit allows placement of building materials, equipment, or commercial vehicles necessary for the performance of the work in the public right-of-way. A meter hood/sign may only be used to establish a construction area when the parking of the vehicle is essential to the performance of the construction work. A vehicle not allowed by right to park in truck loading zone and vehicles being used to transport small tools are not essential in this regard and are not allowed in any construction area unless specifically authorized by the permit.
- C.** No vehicle may park in a construction area unless authorized by the construction area permit. Identification cards may be required for authorization of the vehicle.

16.20.520 Maintenance Hood Permit.

A maintenance hood permit allows a person to secure parking meter hoods on parking meters near areas where work is being performed. Permit users must obey administrative regulations of the permit and regulations regarding parking meter hood use (16.20.460).

16.20.530 Temporary Truck Loading Area Permit.

- A.** A temporary truck loading permit may be issued to any person proving need for the permit. The temporary truck loading area must be designated by portable signs or parking meter hoods or as otherwise designated by the administrative instructions of the permit. The signs, meter hoods, or other devices designating the area may only be used where allowed by the permit.
- B.** No vehicle may park in a temporary truck loading area unless authorized by the temporary truck loading area permit.

16.20.540 Angle Loading Permit.

An angle loading permit may be granted by the City Traffic Engineer to facilitate the loading/unloading of vehicles, subject to the following provisions:

- A.** When angle parked, the permittee must be actively engaged in loading/ unloading the vehicle.

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- B.** The permit will be authorized when necessary because of the weight or size of the merchandise being loaded/unloaded and the physical constraints of the loading area.
- C.** Angle loading/unloading will be subject to the time limit established by the City Traffic Engineer for each individual permit.
- D.** In the case of a tractor and trailer combination, the tractor may be required to be removed and parked separately.
- E.** The City Traffic Engineer may require a traffic control plan to be implemented as a condition of the permit.
- F.** The City Traffic Engineer may require insurance to indemnify the City for liability related to permit use.

16.20.550 Travel Lane Parking Permit. (Amended by Ord. No. 165594, July 8, 1992.)

- A.** A street closure permit must be obtained from the City Engineer per Title 17.44.020 for the following purposes:
 - 1.** Facilitating construction, demolition or installation of facilities on public or private property.
 - 2.** Restricting vehicular use of an unimproved street for the protection of the public or to eliminate a neighborhood nuisance.
 - 3.** Providing for special events, such as block parties or neighborhood fairs.
- B.** The City Traffic Engineer may issue a travel lane closure permit for any other purpose, and, as a condition of the permit, require:
 - 1.** A traffic control plan to be implemented; and
 - 2.** Insurance to indemnify the City for liability related to permit use.

16.20.560 Special Use Permit. (Amended by Ordinance Nos. 173627 and 182389, effective January 2, 2009.)

- A.** Special use permits will be limited to uses where the firm or individual requires reserved parking lane space to perform a specific task. Permitted uses may include: crane placement or operation, bus loading, mobile medical facilities,

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funeral vehicles, wedding vehicles, special events, security for visiting dignitaries, and other special restrictions deemed necessary by the Police Bureau or Bureau of Transportation. Special use permits will not be issued to allow the display or sale of merchandise.

- B.** No vehicle may park in a special use permit area unless authorized by the special use permit.

16.20.595 Improper Use.

(Amended by Ordinance Nos. 170923 and 179141, effective March 23, 2005.)

- A.** It is a violation to improperly use a permit, meter hood, sign, or curb marking, and will be cause for the revocation of the permit, meter hood, sign, or curb marking. A citation or a civil penalty will be assessed of up to \$1,000 by the City Traffic Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.
- B.** The permit applicant is fully responsible for any violation of the conditions of the permit.
- C.** All fees paid will be forfeited in the event of revocation. All fines are due within 30 days after the fine is levied. All civil penalties assessed by the City Traffic Engineer are due within 30 days unless an appeal is made.
- D.** Decisions of the City Traffic Engineer regarding the revocation of a general parking permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.20.600 Vehicle Parking Permits.

16.20.601 Purpose.

A vehicle permit may be issued to allow a vehicle to legally park in violation of specific parking regulations. A vehicle permit may apply in a designated parking zone, parking meter, or elsewhere depending on the specifications of the permit.

16.20.603 Current Approval Required Before Use.

- A.** All vehicle permits, including meter hoods, must have current approval of the City Traffic Engineer at the time the permit is used by the permittee.
- B.** The City Traffic Engineer may deny a vehicle permit application based on a demonstrated history of permit abuse by the applicant during the previous 12-month period.

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- C.** Unless otherwise specified, all vehicle permits issued by authority of this Section will expire January 1, following the calendar year in which the permit was issued.
- D.** A duplicate permit may be issued by the City Traffic Engineer upon receipt of a replacement application and fee from the permittee.
- E.** No permit will be issued to any applicant who has an outstanding balance due for prior violation(s) of permits issued by the City Traffic Engineer.
- F.** Decisions of the City Traffic Engineer regarding the issuance of vehicle permits may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.20.605 All Traffic Laws Apply to Permit Holder.

All permit holders and permitted vehicles are subject to all traffic laws and regulations not explicitly superseded by the permit.

16.20.610 Media Permit.

(Amended by Ordinance No. 176394, effective April 17, 2002.) A media permit allows parking in any area designated by the permit. This permit may be issued to a radio or television station and to a newspaper. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.620 Commercial Permit.

A commercial permit allows parking in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.630 Delivery Permit.

A delivery permit allows parking in any area designated by the permit. This permit may contain restrictions deemed necessary by the City Traffic Engineer.

16.20.640 Disabled Person Permit.

(Amended by Ordinance Nos. 166575, 170923, 179141, 181507, 181914, 182345 and 182935, effective June 24, 2009.)

- A.** A vehicle with an official disabled person registration plate, while transporting a disabled person, or a vehicle while transporting a person with an official disabled person placard issued by a state Department of Motor Vehicles, may park:
 - 1.** In any space designated for a vehicle with a disabled person parking permit for any amount of time (subject to on-street storage regulations);
 - 2.** In any metered or nonmetered space with a designated time limit of 30 minutes or more for any amount of time without fee; or

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3. In any metered or nonmetered space with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit with fee, if applicable, except in any space reserved for special types of vehicles or activities; e.g., truck loading zones, carpool zones, area parking permit areas.
- B.** A vehicle with a program placard issued under ORS 811.607 may park as provided under ORS 811.637.
- C.** Penalties:
1. Unlawful use: if a person is not a disabled person and is not transporting the holder of a disabled parking permit to or from the parking location and the person uses a disabled parking permit to exercise parking privileges under this Section, that person commits unlawful use under Oregon Revised Statutes.
 2. Misuse: if a driver uses a disabled parking permit for any purpose other than exercising the privileges granted, the driver commits permit misuse under Oregon Revised Statutes.
- D.** A vehicle with an official disabled persons permit issued under ORS 811.602, 811.603, 811.604, 811.605, 811.606, 811.607, 811.608, and 811.609, or by the authority of another state, may park as provided under ORS 811.637.
- E.** Penalties:
1. Invalid use of a disabled persons parking permit occurs if:
 - a. Driver uses a disabled parking permit that has been previously reported lost or stolen,
 - b. Has been altered, was issued to a person who is deceased at the time of the citation,
 - c. Has not been issued under ORS 811.602, or by the authority of another state,
 - d. Is a photocopy or other reproduction of a permit,
 - e. The permit is displayed without the permit number and expiration date clearly displayed

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- F.** Parking privileges for vehicle parking utilizing Section 16.20.640 will be extended under Senate Bill 716 Section 7 (3). All regulations within this Section will be granted and enforced; this Section will expire on June 30, 2011.

16.20.645 Wheelchair User Disabled Person Parking Permit.

(Added by Ordinance No. 181507, effective January 1, 2008.)

- A.** A vehicle with a “Wheelchair User” placard or decal issued by a state Department of Motor Vehicles, while transporting a disabled person, or a vehicle while transporting a person with a “Wheelchair User” placard or decal, may park:
- 1.** In any space designated for a vehicle with a “Wheelchair User” placard or decal for any amount of time (subject to on-street storage regulations);
 - 2.** In any metered or non-metered space with a designated time limit of 30 minutes or more for any amount of time without fee; or
 - 3.** In any metered or non-metered space with a designated time limit of less than 30 minutes for a period of time not to exceed the designated time limit with fee, if applicable, except in any space reserved for special types of vehicles or activities; e.g., truck loading zones, carpool zones, area parking permit areas.
- B.** A vehicle with a program placard issued under ORS 811.607 may park as provided under ORS 811.637.
- 1.** Penalties:
 - a.** Unlawful use: if a person is not a disabled person and is not transporting the holder of a “Wheelchair User” placard or decal to or from the parking location and the person uses a “Wheelchair User” placard or decal to exercise parking privileges under this Section, that person commits unlawful use under Oregon Revised Statutes.
 - b.** Misuse: if a driver uses a “Wheelchair User” placard or decal for any purpose other than exercising the privileges granted, the driver commits permit misuse under Oregon Revised Statutes.
- C.** A vehicle with a “Wheelchair User” placard or decal issued under ORS 811.602 through 811.637 or by the authority of another state with current Wheelchair User permit, may park as provided under ORS 811.637.
- 1.** Penalties:

- a.** Invalid use of a “Wheelchair User” placard or decal occurs if:
 - (1)** Driver uses a “Wheelchair User” placard or decal that has been previously reported lost or stolen,
 - (2)** Has been altered, was issued to a person who is deceased at the time of the citation,
 - (3)** Has not been issued under ORS 811.602, or by the authority of another state,
 - (4)** Is a photocopy or other reproduction of a permit,
 - (5)** The permit is displayed without the permit number and expiration date clearly displayed

16.20.650 Government Permit.

A government permit allows a vehicle displaying the permit to park in any area designated by the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.660 Nonprofit Permit.

A nonprofit vehicle permit allows a vehicle displaying the permit to park in any area designated by the permit. This permit may be issued to a charitable organization when permit parking activities directly serve a charitable function. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.670 Carpool Permit for Metered Parking.

A vehicle with a carpool permit may park without payment of the meter fee only at any long-term metered parking space, or at spaces reserved for carpool permit parking.

16.20.675 Carpool Zone Permit.

A vehicle with a carpool zone permit may park in the area designated on the permit according to the rules of the permit.

16.20.680 Other Permit.

An other permit allows parking in any area designated on the permit. The permit may contain restrictions as deemed necessary by the City Traffic Engineer.

16.20.695 Improper Use.

- A.** The improper use of a permit, meter hood, or sign will be cause for the revocation of the permit, meter hood, or sign and/or for a fine to be levied by the City Traffic

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Engineer. Upon notice of revocation, the permit and/or meter hood(s) must immediately be returned to the City Traffic Engineer.

- B.** The vehicle permit applicant is fully responsible for any violation of the conditions of the permit.
- C.** All fees paid will be forfeited in the event of revocation. All fines will be due within 30 days after the fine is levied.
- D.** Decisions of the City Traffic Engineer regarding the revocation of a vehicle permit may be appealed to the Code Hearings Officer according to the provisions of Title 22 of the Portland City Code.

16.20.800 Area Parking Permit Program.

16.20.801 Purpose.

- A.** The area parking permit program is intended to increase access to residents and businesses, reduce traffic congestion, increase traffic/pedestrian safety, reduce air pollution, reduce noise pollution, prevent blighted areas, and promote the use of mass transit, car pooling, and other alternative modes of transportation.
- B.** The area parking permit program will reduce commuter traffic that originates from outside the permit area and has no apparent connection or business within the permit area. A guest who originates from outside the permit area but is visiting a resident or conducting business within the permit area may be provided a guest permit by the area permittee.
- C.** Each area that implements the parking permit program will have a unique set of parking needs. These needs will be based in part on the extent of the parking congestion; the cause(s) of the congestion; the proximity of the neighborhood to the parking generator(s); the mix of residential/nonresidential use; the number of guests visiting the area; the frequency of guests visiting the area; the availability of off-street parking; the types of parking problems in surrounding areas; the availability of alternative modes of transportation; the possibility of alternative parking solutions; and the physical layout and boundaries of the area.
- D.** Each area must meet the eligibility criteria (16.20.830) and follow the prescribed process (16.20.840) in order to form a permit program.
- E.** Area residents and businesses will be allowed to purchase a permit granting on-street parking privileges in the area where they reside or have their places of business. A permit will allow a vehicle under the legal control of a resident,

worker, or visitor, with a properly displayed permit decal or card, to exceed the area permit parking program time limits that are posted within a designated area.

16.20.810 Definitions.

(Amended by Ordinance Nos. 165594 and 176394, effective April 17, 2002.)

- A. “Address”** is the street number and applicable apartment number for each dwelling unit, business, or other use. Each apartment or commercial unit is regarded as a unique address.
- B. “Annual permit fee”** is the annual fee for each business, guest, or resident permit decal. If a permit is issued on or after the first day of the seventh month in the permit year, the fee will be one half of the yearly permit fee. Replacement permits will be one half of the current permit fee.
- C. “Area business”** is any professional establishment or nonresident property owner whose business property is located within a permit area.
- D. “Area Parking Committee”** is the group of not less than two people and not more than five people (excluding alternates) appointed by the neighborhood association and business district association which implements an Area Permit Parking Program or, when a proposed permit program area is not within the boundaries of a listed business district association, by the neighborhood association whose residents represent the greatest number of addresses within a permit area. Area Parking Committees will assist the City Traffic Engineer in establishment of the Area Permit Parking Program, development of a Supplemental Plan Description, and ongoing review of the program.
- E. “Area resident”** is any person who resides within the permit area.
- F. “Area vehicle”** is one that originates from inside the permit area and/or has an apparent connection or business within the permit area.
- G. “Business District Association”** is any group listed by the Office of Neighborhood Associations to represent businesses of a geographic area within the City.
- H. “Business permit decal”** is the decal issued by the City Traffic Engineer for assignment to vehicles under the legal control of workers, customers, clients, or others while conducting business in the area.
- I. “Complimentary Hours Permit”** is the permit(s) granted to each area program permit holder for guest parking for special occasions.

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- J.** “**Effective hours**” are the days and hours during which the area permit program applies as defined by each individual Supplemental Plan.
- K.** “**Guest permit decal**” is the decal issued by the City Traffic Engineer to a permittee to identify any vehicle(s) under the legal control of guests during periods when guests are actually visiting at the permittee’s address.
- L.** “**Improper use**” has occurred when a permit holder violates the provisions described on the permit application. Improper use will lead to penalties as described in 16.20.860.
- M.** “**Neighborhood association**” is any group recognized by the Office of Neighborhood Associations to represent residents of a geographic area within the City.
- N.** “**Non-permitted vehicle**” is any vehicle which does not display a current permit decal for the Area Permit Parking Program Area in which it is parked.
- O.** “**Permit area**” is any area as designated by an initiating petition or as modified in the boundary description.
- P.** “**Permit decal**” (generally) means any resident, business, and guest decal issued by the City Traffic Engineer to residents and businesses in permit areas. Permit decals must be clearly identified as belonging to a specific permit area, for use during a specified permit year, and proper for only one of the following permits: resident, business, or guest. These decals must be displayed in the manner described in the administrative rules for Area Parking Permit decals. Permit decals expire on the last day of the permit year in which they are issued.
- Q.** “**Permit program**” is any Area Permit Parking Program created and administered under this Code Chapter 16.20.800.
- R.** “**Permit year**” is the 12-month period set for the administration of an Area Permit Parking Program by consent of the City Traffic Engineer and the Area Parking Committee.
- S.** “**Permitted vehicle**” is any vehicle which properly displays the correct permit decal, or temporary permit issued by the City Traffic Engineer for use on such vehicle.
- T.** “**Program administrator**” is designated by the City Traffic Engineer to administer an Area Permit Parking Program. Program administrator responsibilities include routine program administration, consulting with the Area

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Parking Committee to amend or interpret the Supplemental Plan Description, and giving approval or denial to proposed permit program provisions.

- U. **“Resident permit decal”** is a decal issued by the City Traffic Engineer to a resident to identify the vehicle(s) under the resident’s legal control as permitted vehicle(s).
- V. **“Supplemental plan description”** is the document established by the Area Parking Committee and the program administrator. It details the Area Parking Permit Program policies and procedures in accordance with Code Chapter 16.20.800.
- W. **“Temporary permit”** is used in lieu of an annual permit decal on vehicles. The purpose of a temporary permit is for display in a vehicle under the legal control of an applicant without sufficient proof to obtain a permanent permit, for the usage of complimentary hours, or for construction projects. Applicants will be charged a fee for each vehicle they register with the exception of complimentary permit hours. The Area Parking Committees may establish any additional terms and conditions for use of temporary permit cards.
- X. **“Unauthorized permit”** is the display of any permit decal not assigned to that vehicle as defined in the supplemental plan description.
- Y. **“Vehicle of record”** is the vehicle which a permit holder has registered for a permit decal with the Program Administrator.

16.20.830 Area Eligibility.

All of the following eligibility criteria must be met before the area will be considered for the area parking permit program:

- A. There must exist at some time during the day an occupancy rate of 75 percent or more of the existing on-street parking spaces. Twenty-five percent (25%) of the vehicles occupying the on-street spaces must be other than area vehicles. Vehicles that originate from outside the proposed permit program area but are visiting a resident or conducting business in the proposed permit program area will not be considered a commuter vehicle. This occupancy rate must occur at least 4 days per week and the neighborhood association, the business district association, and the City Traffic Engineer must agree that this occupancy will occur for a minimum of 9 months per year.
- B. The requesting area must consist of a minimum of 40 block faces or 8,000 lineal feet of curb space.

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- C.** An area that feels it is adversely affected by parking and is requesting permit parking must work through its neighborhood association or business district association as defined in City Code Section 3.96.020 and 3.96.030. If the area is not formally organized, it should directly contact the Office of the Neighborhood Associations for assistance. The Office of the Neighborhood Associations must review the request and discuss the eligibility of that area to form a neighborhood association or business district association in conformance with the criteria established.
- D.** The City Traffic Engineer must agree that the area permit parking program would promote benefits within the designated area.

 - 1.** Benefits may include, but are not limited to: increased access to area residents and businesses, reduced traffic congestion, increased traffic/pedestrian safety, reduced air/noise pollution, prevention of blighted areas, increased neighborhood unity, and promoting the use of alternative modes of transportation.
 - 2.** Adverse effects that may prevent implementation include, but are not limited to: transferring the problem to a different area, inability to effectively enforce program restrictions, lack of alternative modes of transportation, availability of simpler, cheaper solutions, and the legal existence of more than one firm with 50 or more employees that could not operate under the permit system constraints.

16.20.840 Process.

(Amended by Ord. No. 170923, effective March 21, 1997.) The following process must be followed to establish area permit parking programs:

- A.** An area may apply to participate in a permit program through a community-initiated petition with signatures representing 50 percent of the affected addresses (one signature per address) to be submitted to the neighborhood association and the business district association. This petition shall include:

 - 1.** The parking problem;
 - 2.** The probable cause of the problem;
 - 3.** The proposed boundaries of the congested area;
 - 4.** The number of individual addresses in the congested area; and
 - 5.** The permit fees of the program.

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- B.** The neighborhood association and business district association shall discuss the request with the City Traffic Engineer to determine if there are any conditions (as specified in 16.20.830 D above) that would prevent the implementation of a area permit parking program. If the City Traffic Engineer recommends that the application process continue, the neighborhood association and the business district association must work with the area to determine its eligibility and appoint an area parking committee.
- C.** Upon receipt of the petition, the City Traffic Engineer must initiate a preliminary investigation to verify that the area meets the criteria.
- D.** Based on the findings of the investigations, the City Traffic Engineer will determine if a proposed area is eligible for an area parking permit program.
- E.** If an area is approved as eligible, the City Traffic Engineer may propose a program and mail this program and notice of a public meeting to all addresses in the proposal area. After the public meeting, the proposal will be refined and a ballot prepared. The City Traffic Engineer may expand or contract (if larger than the minimum) the proposed area to conform to major physical boundaries such as arterial roadways, rivers, hills, ridges, or political boundaries such as neighborhood boundaries or to protect projected impact areas as determined by the professional engineering or planning staff.
- F.** A ballot will be mailed to all addresses within the proposed area within 30 days after the last public meeting. The legal occupant of an address is eligible to vote. This ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be “yes” votes, to approve the program.
- G.** If the vote in Paragraph F. is negative, a minimum of 12 months must elapse before any new proposal can be initiated.
- H.** If the vote in Paragraph F. of this Section is positive, the City Traffic Engineer will submit to the City Council an ordinance authorizing the permit system and required funding. If approved by Council, the City Traffic Engineer will notify all addresses of the approval and enclose application materials. Permit fees from at least 50 percent of the addresses must be collected prior to the installation of signs.
- I.** The program will renew annually, unless:

 - 1.** The City Traffic Engineer receives a petition, representing 50 percent of the addresses within the designated permit program area, requesting termination of the program. After receipt of a valid petition, the City

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Traffic Engineer will mail a ballot to the program area according to subsection F. The vote must be completed before the program will be terminated; or

2. The designated area does not meet the rules or procedures established by the City Traffic Engineer.
- J.** Changes to boundaries of existing permit areas desired by area residents must be made according to the following procedure:
1. The City Traffic Engineer must determine that the resulting permit area will meet the minimum standards for permit areas established in 16.20.830.
 2. The changes must be approved by the City Traffic Engineer and by a majority of the Area Parking Committee.
 3. The City Traffic Engineer will mail a ballot to the addresses of the area to be annexed into or deleted from the permit area. The completed ballot must be received by the City Traffic Engineer on or before the date specified in the mailing. A minimum of 50 percent of the ballots must be received, of which 60 percent must be “yes” votes, to approve the changes.
 4. If the vote in is negative, a minimum of 12 months must elapse before any new proposal can be initiated.

16.20.850 Program Administration.

(Amended by Ordinance Nos. 177006 and 183829, effective July 1, 2010.)

- A.** For each Area Permit Parking Program, the City Traffic Engineer will guide the area in establishment, evaluation, revision, or termination of the Area Permit Parking Program by:
1. Meeting with the Area Parking Committee;
 2. Planning and coordinating registration and enforcement; and
 3. Completing any other such duties described in the Supplemental Plan Description.
- B.** Annual Review of Program Fees: Services charges and fees are reviewed annually and updated per the City’s financial policy, and are effective with the adoption of the annual budget.

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Notification of Fee Changes and Permit Renewal: A current listing of service charges and fees will be made available to the public.

- C. It is the obligation of area residents and businesses to apply for permit decals in a timely manner and in accordance with Code Chapter 16.20 and the appropriate Supplemental Plan Description. Applicants must present authorized documentation to the City Traffic Engineer as follows:
 - 1. An area resident must present proof of current occupancy and current proof of vehicle control. A person using a vehicle owned by another must present a notarized statement from the owner stating that the vehicle has been assigned to the applicant for their personal use.
 - 2. An area business must present proof of current occupancy and a payroll record or a list of employees and the hours each employee works per week.
- D. An area business is eligible to purchase business permit decals for workers in accordance with the supplemental plan description. The number of business permit decals which may be issued to an area business must be defined in each permit area's supplemental plan description.
- E. One guest permit decal may be issued to each address for an area permit decal. A guest permit decal may not be converted to a business permit decal. Additional guest permit decals may be issued to an address according to the rules of each Supplemental Plan Description.
- F. It is the obligation of the permit holder to notify the City Traffic Engineer of loss or theft of a permit decal within 3 business days. The permit holder may purchase a replacement for one half of the current fee, unless the City Traffic Engineer has disallowed purchase by the purchase holder under the penalty provision of 16.20.860.

16.20.860 Violation and Enforcement.

(Amended by Ordinance Nos. 165594 and 179141, effective March 23, 2005.)

- A. A permitted vehicle which is parked in accordance with posted Area Permit Parking Program signing and in accordance with parking regulations generally (Chapter 16.20) is permitted to be parked in excess of the visitor parking time limit. An area parking permit does not allow parking in restricted parking zones (16.20.200).
- B. Display of an area parking permit does not convey any privileges other than that of exceeding the posted permit parking visitor time limit. It does not authorize

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parking in any other restricted zone. Permitted vehicles are subject to the provisions of 16.20.170. (Storing Property on street is prohibited.)

- C.** During permit designated hours, it is unlawful for a nonpermitted vehicle to:
 - 1.** Exceed the maximum visitor time limit allowed within the signed permit area;
 - 2.** Return to the signed permit area for a period of 12 hours after parking for any time period.
- D.** The permit holder is responsible for all improper use (16.20.810.L.) of any assigned permit decal(s), unless previously reported as lost or stolen. If investigation verifies improper use, the permit holder will be penalized as described below.
 - 1.** A fine will be assessed for each permit decal in violation. This fine shall be payable and due within 30 days following the violation.
 - 2.** No additional permits will be issued to the permit holder until all fines have been paid.
- E.** It is unlawful for a vehicle to display an unauthorized permit. A vehicle displaying an unauthorized permit may be cited, or a fine assessed for each violation. The fine shall be payable and due within 30 days of the violation.
- F.** Improper use of a decal by a permit holder will result in cancellation of that permit decal for a period of 12 months. Further improper use of a permit decal by that permit holder within a 24-month period will additionally render the permit holder disqualified from purchasing any Area Parking Program Permit for two subsequent permit years.
- G.** Decisions of the City Traffic Engineer regarding the revocation or refusal to issue a permit may be appealed to the Code Hearings Office according to the provisions of Title 22 of the Portland City Code.
- H.** It is unlawful for a vehicle to improperly display any authorized permit, as outlined in the City of Portland, Transportation Administrative Rule.

16.20.900 City Owned Parking Garages.

(Added by Ordinance No. 183979, effective August 13, 2010.) The Bureau of Transportation Business Services Division Manager shall be authorized to develop and enforce Rules of Conduct for City Parking Garages and require all persons to obey the Rules of Conduct. City Parking Garages include any publicly or privately owned real

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property, and the buildings, structures and facilities thereon, placed under the jurisdiction of the City for parking garage purposes, and includes all land granted to the City for such purposes. Any person who fails to comply with the Rules of Conduct for City Parking Garages or the reasonable direction of the Person in Charge, may be excluded as provided in this Section.

- A.** Person in Charge is defined in ORS 164.205(5) and includes, but is not limited to, any of the following while acting in the scope of employment, agency or duty:
 - 1.** Any peace officer as defined by Oregon law and any reserve officer of the Portland Police Bureau;
 - 2.** Any person providing security services in City Parking Garage pursuant to any contract with the City, or with any person, firm or corporation managing City parking garages or City leased properties on the City's behalf; and/or,
 - 3.** Any person specifically designated in writing as the Person in Charge by the Commissioner in Charge of the Bureau of Transportation or by the Transportation Business Services Division Manager.
- B.** City Parking Garage Exclusions. Any Person in Charge may exclude any person who violates any Rule of Conduct while in or upon any City Parking Garage, from all City Parking Garages for a period of 180 days.
 - 1.** The notice of exclusion shall be in writing, given to the person excluded and signed by the Person in Charge. It shall specify the dates and places of exclusion. It shall contain a warning of consequences for failure to comply with the notice of exclusion and information concerning the right to appeal the exclusion.
 - 2.** A person receiving a notice of exclusion may appeal, in writing, to the Code Hearings Officer in accordance with the provisions of Title 22 of the Code to have the notice of exclusion rescinded. Notwithstanding the provisions of Title 22, the appeal to the Code Hearings Officer shall be filed within 5 days of issuance of the notice of exclusion, unless extended by the Code Hearings Officer for good cause shown. The sworn statement of the Person in Charge who issued the notice of exclusion shall be used as evidence on appeal, unless the appellant requests, in writing, the presence of the Person in Charge at the appeal hearing.
- C.** Rules of Conduct
 - 1.** No person shall violate federal, state, or city law.

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2. No person shall enter or remain for any purpose other than to park or retrieve a motor vehicle or do business with a City parking garage retail tenant.
3. No person shall possess any weapon or any similar instrument that can be used to inflict injury upon a person or damage to property, except to the extent permitted by Oregon law.
4. No person shall use City parking garages for the purpose of housing or camping, including but not limited to, sleeping, bathing, cooking, or use as a restroom.
5. No person shall deface, damage, or destroy City parking garages.
6. Unless authorized by the City of Portland, no person shall post or place on cars any handbills, flyers, or posters of any kind within City parking garages.
7. No person shall engage in sexual conduct as defined by ORS 167.060 (10).
8. Other than at City of Portland authorized events, no person shall possess an open container of alcohol or consume alcoholic beverages.
9. Other than at City of Portland authorized events, no person shall play or use amplified or audio equipment at a level that disturbs others.
10. Other than at City of Portland authorized events, no person shall participate in parties, rave parties, or other similar gatherings.
11. No person shall use City parking garages and/or their structures and fixtures, including but not limited to, walls, railings, banisters, stairs, or ventilation fixtures, in ways they were not intended to be used, including but not limited to, sitting, standing, lying kneeling, skating, or skateboarding.
12. No person shall smoke or carry any lighted smoking instrument while in the elevator or any enclosed portion of City parking garages.
13. No person shall engage in conduct that disrupts or interferes with normal operations of City parking garages, or any tenant of a City parking garage, or that disturbs employees or patrons of City parking garages, including but not limited to, conduct that involves the use of abusive or threatening

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language or gestures, conduct that creates unreasonable noise, or conduct that consists of loud or boisterous physical behavior.

- 14.** No person shall interfere with free passage of patron or employees of City parking garages, including but not limited to, placing objects such as bicycles, backpacks, carts or other items in a manner that interferes with free passage.
- 15.** No person shall refuse to obey any reasonable direction of a Parking Garage Officer.

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Chapter 16.30

TOWING & DISPOSITION OF VEHICLES

Sections:

16.30.001	Purpose.
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16.30.530	When Tow Found Invalid.
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16.30.600	Selling Abandoned Vehicles.
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16.30.700	Moving Vehicles for Street and Utility Maintenance and for Emergencies.
16.30.710	Authority to Move Vehicles.
16.30.720	When a Vehicle May Be Moved.
16.30.730	Manner of Moving Vehicle.
16.30.800	Regulation of Towers.
16.30.810	Solicitation of Towing Business at Accidents Prohibited.
16.30.820	Obstructing Traffic.
16.30.830	Failure to Remove Injurious Substance.

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16.30.001 Purpose.

This section describes when a vehicle may or will be towed for parking violation(s), the manner of the towing, storage of the vehicle, and the release or disposition of the vehicle.

16.30.100 Authority to Tow Vehicles and Establish Hearing Procedures.

(Amended by Ord. No. 170923, effective March 21, 1997.)

- A.** Any officer authorized by the City Council or by City Code may order a vehicle towed as provided in this Title.
 - 1.** Impoundment of a vehicle does not preclude issuance of a citation for violation of this Title.
 - 2.** Stolen vehicles may be towed from public or private property and stored at the expense of the vehicle owner.
- B.** The authority to establish procedures in this Title for the disposition of towed vehicles is authorized by Oregon law. Disposition of vehicles towed under authority of this Title must follow the procedures established by this Title.
- C.** If any person tows a vehicle from the public streets without authority under the City Code, the City Towing Coordinator may assess a civil penalty of up to \$1,000 for each vehicle towed to be paid to the City Towing Coordinator and deposited to the City's general fund.

16.30.200 Vehicle Towing.

16.30.210 When a Vehicle May be Towed.

(Amended by Ordinance Nos. 172788 and 179141, effective March 23, 2005.) A vehicle may be towed and held at the expense of the owner or person entitled to possession thereof from:

- A.** Any public right-of-way, public park or other public place or property, 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 operated property without express City permission;

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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 Circuit 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;
 7. The vehicle is in possession of a person taken into custody by a law enforcement agency;
 8. The vehicle is parked in a space that is marked as reserved for disabled persons unless such vehicle conspicuously displays appropriate decals, insignia, or registration plates as required by state statutes;
 9. The vehicle is parked in violation of any parking regulation;
 10. The vehicle is an abandoned vehicle, as defined in 16.90.005; or
 11. The vehicle is stored on the street in violation of 16.20.170.
- B.** Permanent parking restrictions may be enforced by tow 24 hours after placement in any meter or non meter areas.
- C.** Private property if:
1. The vehicle is parked or stopped without the permission of the person in control of such property; or
 2. In violation of this Title.
- D.** Temporary parking restrictions may be enforced by tow 24 hours after placement in any non meter area.
- E.** Temporary parking restrictions may be enforced by tow if the space reservation device and/or signs are in place by 12:30 p.m. the prior day in any meter district.

16.30.220 Towing Without Prior Notice.

(Amended by Ordinance Nos. 165980, 170912, 176352, and 176442, effective May 1, 2002.) Any authorized officer may, without prior notice, order a vehicle towed, when:

- A.** The vehicle is impeding or likely to impede the normal flow of vehicular or pedestrian traffic;

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- B.** The vehicle is illegally parked in a conspicuously posted restricted space, zone, or traffic lane where parking is limited to designated classes of vehicles or is prohibited in excess of a designated time period, or during certain hours, or on designated days, or at any time and place the vehicle is interfering or reasonably likely to interfere with the intended use of such a space, zone, or traffic lane;
- C.** The vehicle is parked in front of a rural-type mailbox and has been cited within the previous 30 days for violation of Section 16.20.130 E;
- D.** The vehicle poses an immediate danger to the public safety;
- E.** The vehicle is illegally parked within 10 feet of a fire hydrant.
- F.** A police officer reasonably believes that the vehicle is stolen;
- G.** A police officer reasonably believes that the vehicle or its contents constitute evidence of any offense, if such towing is reasonably necessary to obtain or preserve such evidence;
- H.** The vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle is available;
- I.** The vehicle is parked or stopped in violation of 16.20.120 A and the vehicle alarm system disturbs, injures, or endangers, or is likely to disturb, injure, or endanger, the peace, quiet, comfort, repose, health, or safety of the public or any person; or
- J.** The vehicle is in the possession of a person arrested for any felony traffic offense, as defined by Oregon Revised Statutes.
- K.** A police officer has probable cause to believe that the vehicle's operator has committed any of the following offenses:
 - 1.** Driving uninsured (ORS 806.010);
 - 2.** Driving while suspended or revoked (ORS 811.175 or ORS 811.182);
 - 3.** Operating a vehicle without driving privileges or in violation of license restrictions (ORS 807.010) and the operator's license has been expired for 60 days or more, or that the operator has not had a valid driver's license within the previous 60 days.
 - 4.** Driving while under the influence of intoxicants (ORS 813.010);

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5. Fleeing or attempt to elude police officer (ORS 811.540);
 6. Speed racing on highway (ORS 811.125); or
 7. Reckless driving (ORS 811.140).
- L.** A police officer has probably cause to believe that the vehicle has been used or is possessed for the purpose of being used to commit or conceal the commission of one or more of these offenses:
1. Prostitution (ORS 167.007), Promoting prostitution (ORS 167.012), or Compelling prostitution (ORS 167.017) or any attempt, solicitation or conspiracy of one of these offenses; or
 2. Unlawful delivery of imitation controlled substance (ORS 475.991), Unlawful possession, delivery, or manufacture of controlled substance (OR 472.992), Unlawful distribution of controlled substance to minors (ORS 475.995), Unlawful manufacture or delivery of controlled substance within 1,000 feet of school (ORS 475.999), or any attempt, solicitation, or conspiracy of one of these offenses.

16.30.225 Towing with 24 Hour or 72 Hour Notice.

(Added by Ordinance No. 166947; amended by 170923, 172788 and 179141, effective March 23, 2005.)

- A.** A vehicle may be towed 24 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle which is an immediate threat to the public health or safety because of its condition.
- B.** A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is an abandoned vehicle; or
- C.** A vehicle may be towed 72 hours after notice of intent to tow has been affixed to or placed on the vehicle if the vehicle is in violation of 16.20.120 H or I or 16.20.170.
- D.** Notice shall be mailed after tow as provided in 16.30.320.

16.30.230 When Notice Required Before Towing.

(Repealed by Ordinance No. 172788, effective November 13, 1998.)

16.30.240 Towing upon Order of Circuit Court.

(Amended by Ordinance No. 173369, effective May 12, 1999.) Vehicles that have been used in the commission of a traffic or parking violation, for which an unserved warrant or citation is on file with the Circuit Court clerk, may be towed upon order of the Circuit Court.

16.30.300 Notice of Vehicle Tow.

16.30.310 Notice Prior to Tow.

(Amended by Ordinance No. 172788, effective November 13, 1998.)

- A. Except where shorter notice is allowed by this title, notice for vehicles which require prior notice before towing must be provided by:
 - 1. Affixing a tow warning to the vehicle at least 10 days prior to the tow; and
 - 2. Mailing a notice to the registered owner(s) and any other persons who reasonably appear to have an interest in the vehicle within 48 hours, Saturdays, Sundays, and holidays excluded, after the tow warning is affixed to the vehicle.
- B. The tow warning and the mailed notice will state that:
 - 1. The vehicle is parked in violation of City Code;
 - 2. The City intends to tow and remove the vehicle if the violation is not corrected; and
 - 3. A hearing is available to contest the validity of the intended tow, and the method of requesting a hearing, including the date by which a hearing may be requested.
- C. If a timely request for hearing is received pursuant to Subsection 16.30.400, the vehicle will not be towed until the Tow Hearings Officer makes a determination.

16.30.320 Notice After Vehicle Tow.

- A. After a vehicle has been towed pursuant to this Chapter, notice will be provided to the registered owner(s) and any other person(s) who reasonably appear to have an interest in the vehicle. Notice will be mailed to such persons within 48 hours after the tow of the vehicle, Saturdays, Sundays, and holidays excluded, and will state:
 - 1. That the vehicle has been towed;

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2. The location of the vehicle and that it may be reclaimed only upon evidence that the claimant is the owner or person entitled to possession;
 3. The address and telephone number of the person or facility that may be contacted for information on the charges that must be paid before the vehicle will be released and the procedures for obtaining the release of the vehicle;
 4. That the vehicle and its contents are subject to a lien for the towing and storage charges; that if the vehicle is not claimed within 15 days after the mailing date of the notice, the vehicle and its contents will be subject to sale by the City or the towing and storage facility where the vehicle is located and that failure to reclaim the vehicle within such time will constitute a waiver of all interest in the vehicle; and
 5. Unless notice of the availability of a hearing to contest the tow has been provided prior to towing as prescribed in Section 16.30.310, the notice will state that a hearing may be requested to contest the validity of the tow and will set forth the time in which a hearing must be requested and the method of requesting a hearing.
- B.** If a vehicle has been reclaimed prior to the mailing of the notice, no notice need be mailed or provided, but the person or persons reclaiming the vehicle must be provided with written notice of the opportunity for a hearing to contest the tow pursuant to Section 16.30.350.
- C.** In those circumstances in which it can reasonably be anticipated that mailing of notice may hinder or prevent the apprehension of a suspect in an ongoing criminal investigation, the mailing of notice may be delayed until such time as will not prejudice that investigation or apprehension.

16.30.340 Unidentifiable Vehicle.

No notice need be mailed pursuant to Subsections 16.30.310 or 16.30.320 when:

- A.** A vehicle does not display license plates or other identifying markings by which the registration or ownership of the vehicle can be determined, or;
- B.** When the identity of the owner of the vehicle is not available from the appropriate motor vehicle licensing and registration authority and when the identity and address of the owner and/or other persons with an interest in the vehicle cannot otherwise be reasonably determined.

16.30.350 Notice to Contest Tow When Vehicle Claimed.

Written notice of the opportunity to contest the validity of the tow of a vehicle, together with a statement of the time in which a hearing may be requested and the method of requesting a hearing, must be given to each person who seeks to redeem a vehicle which has been towed pursuant to this Chapter. This information will be made available by the tow company or other facility holding such vehicle.

16.30.400 Tow Hearing Procedure.

16.30.410 Request for Hearing.

(Amended by Ord. No. 170923, effective March 21, 1997.)

- A.** After a vehicle has been towed pursuant to subsection 16.30.220 or 16.30.225 and prior to towing pursuant to subsection 16.30.230, the owner(s) and any other persons who reasonably appear to have an interest in the vehicle are, upon timely application filed with the Tow Hearings Officer, entitled to request a hearing to contest the validity of the tow or intended tow of the vehicle.

 - 1.** In the case of a vehicle towed pursuant to Subsection 16.30.220 or 16.30.225, such application must be filed with and received by the Tow Hearings Officer not later than 10 days after the vehicle was towed.
 - 2.** In the case of a vehicle proposed to be towed pursuant to Subsection 16.30.230, such application must be filed with and received by the Tow Hearings Officer not later than 10 days after the affixing of the tow warning to the vehicle.
- B.** The Tow Hearings Officer may, for good cause shown, grant a request for hearing filed after the foregoing time requirements have expired. If the mailing of the towed vehicle notice was delayed pursuant to Subsection 16.30.310, the Tow Hearings Officer will grant a request for hearing received and filed within 10 days of the mailing date of the notice or 10 days of the date the vehicle was reclaimed, whichever first occurs.
- C.** The request for hearing must be in writing and will state the grounds upon which the person requesting the hearing believes the tow or proposed tow invalid, or, for any other reason, unjustified. The request for hearing will also contain such other information, relating to the purposes of this Chapter, as the Tow Hearings Officer may require.
- D.** The Tow Hearings Officer will set and conduct an administrative hearing on the matter within 14 days of receipt of a proper request filed pursuant to this Section. In all cases where a vehicle has been towed and not yet released, however, the

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Tow Hearings Officer will set and conduct the hearing within 72 hours, not including Saturdays, Sundays, or holidays, on receipt of the request.

16.30.420 Hearing Procedure.

- A.** The hearing shall afford a reasonable opportunity for the person(s) requesting it to demonstrate by the statements of witnesses and other evidence, that the tow and/or storage of the vehicle was or would be invalid, or for any other reason not justified.
- B.** The Tow Hearings Officer will make necessary rules and regulations regarding the conduct of such hearings, consistent with this Section.

16.30.430 When Tow Found Invalid.

If the Tow Hearings Officer finds the tow and/or storage was or would be invalid or not justified, the Tow Hearings Officer will order the vehicle:

- A.** Be immediately released if already towed. The owner(s) or any other person(s) who have an interest in the vehicle are not liable for the tow and/or storage charges and any money paid for tow and/or storage charges will be returned, as appropriate.
- B.** Not be towed if such vehicle is about to be towed.

16.30.440 When Tow Found Valid.

(Amended by Ordinance No. 176352, effective March 27, 2002.) If the Tow Hearings Officer finds the towing and/or storage was or would be valid, the Tow Hearings Officer will order the vehicle, if still held, continue to be held until all towing and storage charges and an administrative fee are paid.

If such vehicle is about to be towed, pursuant to Subsection 16.30.230, the Tow Hearings Officer will order such vehicle to be towed and impounded if the violation involving that vehicle has not been completely corrected.

16.30.450 Hearing Administration.

- A.** The decision of the Tow Hearings Officer is a quasi-judicial decision and is final, and is not appealable to the City Council.
- B.** Any person who has a hearing scheduled pursuant to this Section and fails to appear at such hearing without good cause shown, as determined by the Tow Hearings Officer, will not be entitled to have such hearing rescheduled.
- C.** The owner(s) and any other person(s) who have an interest in the vehicle are only entitled to one hearing for each tow of that vehicle.

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- D.** Owners of vehicles towed by order of the District Court pursuant to Subsection 16.30.240 are not entitled to a hearing pursuant to this Chapter.
- E.** The Code Hearings Officer, appointed pursuant to Title 22, will act as Tow Hearings Officer pursuant to this Chapter. Subject to the approval of the Commissioner In Charge, the Code Hearings Officer may, in writing, designate one or more persons to act as Tow Hearings Officer during the absence or unavailability of the Code Hearings Officer.

16.30.500 Fee Payments and Vehicle Release Procedure.

16.30.510 Towing and Storage Rates.

The towing and storage charges that are to be paid before release of a vehicle towed by authority of this Chapter, if towed by a private company at the request of a City officer or employee, will be the charges fixed by City contract for private towing and storage. If a vehicle is towed by City equipment and personnel, the charges will be fixed by a schedule approved by the Council.

16.30.520 Charges and Release of Vehicle.

(Amended by Ordinance Nos. 165980, 167222, 175648 and 176352, effective March 27, 2002.)

- A.** Any private company that tows and stores any vehicle pursuant to this Chapter, shall have a lien on the vehicle, in accordance with ORS 87.152, for the just and reasonable charges for the tow and storage services performed. The company may retain possession of that vehicle, consistent with this Chapter, until towing and storage charges and an administrative fee have been paid.
- B.** If the required towing and storage charges and an administrative fee have been paid, the vehicle must be immediately released to the person(s) entitled to lawful possession. A vehicle towed pursuant to Section 16.30.220 K. shall be immediately released to the person(s) entitled to lawful possession upon proof that a person with valid driving privileges will be operating the vehicle, proof of insurance and payment of towing, storage and payment of an administrative fee to the police agency. If towing and storage charges and an administrative fee have not been paid, a vehicle will not be released, except upon order of the Towing Hearings Officer.
- C.** A vehicle towed pursuant to this Chapter may only be released to the owner, or to the person who was lawfully in possession or control of the vehicle at time it was towed, or to a person who purchased the vehicle from the owner and who produces written proof of ownership. In all cases, adequate evidence of the right

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to possession of the vehicle as determined by the City Towing Board of Review, must be presented prior to release of the vehicle.

16.30.530 When Tow Found Invalid.

- A.** The accrued towing and storage charges assessed under Section 16.30.520, will be waived by the Hearings Officer if the tow is found to be invalid or for any other reason not justified, after a hearing has been held pursuant to Section 16.30.400.
- B.** A person's inability to pay the towing and storage charges, in and of itself, is not a sufficient basis for the waiving of such charges.
- C.** If the charges are owed to a private company, the City will pay them if, after a hearing, the tow is found to be invalid or for any other reason not justified and the charges have not previously been paid.

16.30.540 When Tow Found Valid.

(Amended by Ordinance No. 176352, effective March 27, 2002.) If the Tow Hearings Officer finds the towing and/or storage was valid, the person entitled to possession of the vehicle will be responsible for all towing and storage charges.

16.30.550 Storage Charges at Completion of Hearing.

After the Tow Hearings Officer makes a public determination on a vehicle tow hearing, the vehicle must be picked up by the person entitled to possession within 24 hours to avoid further storage charges. If the vehicle is not claimed within this time period, it will not be released until the additionally accrued storage charges, if any, are paid.

16.30.600 Selling Abandoned Vehicles.

16.30.610 When a Vehicle May be Sold.

- A.** Whenever any vehicle is taken into custody pursuant to this Chapter, the vehicle will be held at the expense and risk of the owner or person lawfully entitled to possession.
- B.** At any time within 15 days after any such notice has been sent, as required in Section 16.30.300, the owner or person lawfully entitled to possession of any such vehicle may claim the vehicle by:
 - 1.** presenting satisfactory proof of ownership or right to possession; and
 - 2.** paying the charges and expenses, if any, incurred in the preservation and custody of the vehicle.

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16.30.620 Sale of Vehicles.

(Amended by Ord. No. 166575, June 2, 1993.)

- A.** As often as is necessary, the City Traffic Engineer will be provided with a list of all unclaimed vehicles which have been towed and stored by or for the City which:
- 1.** Have been in storage 15 days or longer and have been appraised at a value of \$750 or less, or;
 - 2.** Have been in storage for 30 days or longer.
- B.** The City Traffic Engineer will, as soon as convenient, authorize the sale of, or sell such vehicles in accordance with the provisions of any contract authorized by the Council. If there is no such contract, the City Traffic Engineer will sell such vehicle at public auction.
- 1.** If a vehicle is sold in accordance with the provisions of a contract, the Director of the City Traffic Engineer will ensure, at the time of sale, a certificate of sale in substantially the following form is issued to the purchaser:

“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 Dollars (\$) the following described personal property:

(Brief description of property)

Dated this day of , 19

.
City Traffic Engineer

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

- 2.** If the City Traffic Engineer decides to sell any vehicles held pursuant to this Chapter at public auction, notice of the time and place of such auction sale must be given by publication in the official paper of the City for a

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period of at least 10 days prior to the date of such sale. Such vehicles must be sold to the highest bidder for cash.

- C.** The proceeds of such sale will be first applied to payment of the cost of such sale and expense incurred in the preservation and custody of such vehicles and the balance, if any, will be credited to the Transportation Operating Fund of the City.

16.30.700 Moving Vehicles For Street and Utility Maintenance and For Emergencies.

16.30.710 Authority To Move Vehicles.

(Amended by Ordinance No. 175564, effective May 9, 2001.) This Section applies when:

- A.** The City has restricted parking in an area on a temporary basis and the signs, barriers, or other notice have been removed by someone other than the owner of the vehicle to be towed so that the vehicle owner has not had notice of the parking restriction;
- B.** There is an emergency and a legally parked vehicle must be moved in order to attend to the emergency; or
- C.** Vehicles are blocking the operation of Portland Streetcar.

16.30.720 When a Vehicle May be Moved.

(Amended by Ordinance Nos. 175564 and 179141, effective March 23, 2005.) Any vehicle parked on a public right-of-way, or on City of Portland owned or operated property, may be towed according to the provisions of 16.30.730 upon the order of an authorized City official, or designee, without prior notice to the owner of the vehicle, when removal of the vehicle is required:

- A.** To provide immediate access for street or utility repair;
- B.** To facilitate the operations by fire, police, ambulance, or other emergency personnel or vehicles;
- C.** To provide safe clearance for special events such as parades, marches, or motorcades;
- D.** To provide clear access for areas specifically reserved by City permit; or
- E.** To provide clear access for operation of the Portland Streetcar.

16.30.730 Manner of Moving Vehicle.

(Amended by Ord. No. 165594, July 8, 1992.)

- A.** The City officer or employee ordering a vehicle to be towed may direct that the vehicle be towed and parked at any legal parking space on the public right-of-way at any storage facility designated by the City.
- B.** The City officer or employee is not limited to the City Tow Contract rotation and may enter into agreements with any towing or other firm for removing vehicles.
- C.** The City officer or employee ordering a vehicle to be towed pursuant to this Section will notify the Police Bureau of the location of the towed vehicle within 1 hour after the completion of the tow.
- D.** The costs of towing and storing the vehicle for a period not to exceed 72 hours will be paid by:
 - 1.** The City in the case of a tow requested by a City officer or employee, or
 - 2.** The permittee in the case of a tow requested by a permittee.
- E.** The owner of the vehicle may be charged a reasonable storage fee for the storage of the vehicle if the vehicle is towed and stored at a private storage facility and the owner fails to remove the vehicle from the private storage facility within 72 hours after the vehicle was towed.

16.30.800 Regulation of Towers.

16.30.810 Solicitation of Towing Business at Accidents Prohibited.

(Amended by Ord. No. 165594, July 8, 1992.)

- A.** Except as otherwise provided herein, no person with a direct or indirect interest in any business engaged in the towing or recovery of motor vehicles for a profit nor any person employed by such a business nor any person receiving any fee or remuneration from such a business, may solicit or attempt to solicit towing business at or near the site of a motor vehicle accident.
- B.** The prohibitions set forth in Subsection A do not prohibit any person from providing or offering to provide towing services if:
 - 1.** The services are provided without charge, fee, or other remuneration;
 - 2.** The services are provided or offered at the direction or request of a police officer;

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- 3. The services have been requested by the owner, operator, or other person in charge of the vehicle by radio or telephone communication or otherwise at a location other than the accident site; or
- 4. Allowed by government contract or franchise.
- C. “Solicit or attempt to solicit towing business” means to offer or attempt to offer motor vehicle towing or recovery services for a fee or remuneration.
- D. Violation of subsection A of this section is a traffic infraction, punishable by a fine not to exceed \$500.

16.30.820 Obstructing Traffic.

- A. The operator of a wrecker or tow truck may stop a vehicle where it obstructs traffic when the operator:
 - 1. Is engaged in the recovery of another vehicle; and
 - 2. Takes the precautionary measures required by this Section.
- B. A person commits the offense of failure to take precautions when obstructing traffic with a tow vehicle or wrecker engaged in the recovery of another vehicle if the operator does not do all of the following:
 - 1. Determine that the recovery operation requires stopping the tow or recovery vehicle in the roadway; and
 - 2. Activate tow vehicle warning lights described in ORS 816.280.

16.30.830 Failure to Remove Injurious Substance.

A person commits the offense of tow vehicle operator failure to remove injurious substance if the person is operating a tow vehicle that is removing a wrecked or damaged vehicle from a roadway and the person fails to remove any glass or other injurious substance dropped upon the roadway from such vehicle.

Chapter 16.40

PRIVATE FOR-HIRE TRANSPORTATION REGULATIONS

(Replaced by Ordinance No. 182813,
Effective June 19, 2009.)

Sections:

- 16.40.010 Purpose.
- 16.40.020 Chapter Applies to all Companies, Drivers and Vehicles.
- 16.40.030 Definitions.
- 16.40.040 Private For-Hire Transportation Board of Review.
- 16.40.050 Board Authority.
- 16.40.060 Board Standing Committees.
- 16.40.070 Fuel Surcharges.
- 16.40.080 Pedicab Driver Permits Required – Application Process & Requirements.
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- 16.40.110 Further Review and/or Denial of a Driver Permit Application.
- 16.40.120 Driver Permit Renewals; Consequences of Failure to Renew.
- 16.40.130 LPT Company Permits Required – Application Process & Requirements.
- 16.40.140 Issuance of LPT Company Permits; Term; Replacements.
- 16.40.150 Taxicab Company Permits Required – Application Process and Requirements.
- 16.40.160 Issuance or Denial of Taxicab Company Permit; City Council Action.
- 16.40.170 LPT and Taxicab Company Permit Renewals.
- 16.40.180 Pedicab Decals Required – Application Process & Requirements.
- 16.40.190 LPT Decals and Taxiplates Required – Application Process & Requirements.
- 16.40.200 Limit on Number of LPT Vehicles Allowed.
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- 16.40.220 Vehicle Decal and Taxiplate Issuance or Denial.
- 16.40.230 Vehicle Decal and Taxiplate Renewals.
- 16.40.240 Transfer of Decal, Permit or Taxiplate Interest Prohibited.
- 16.40.250 Knowingly Providing False Information; Penalties.
- 16.40.260 Late Submission of Payments Due, Information or Documents; Penalties .
- 16.40.270 Minimum Standards of Service for Taxicab Companies.
- 16.40.280 Taxicab Digital Security Camera Systems.
- 16.40.290 Taxicab Fare Rates.
- 16.40.300 Wheelchair Accessible Taxicabs.
- 16.40.310 Taximeter Requirements.
- 16.40.320 Required Taxicab Equipment.
- 16.40.330 Identification of Taxicab Vehicles.
- 16.40.340 Driver Conduct Requirements and Prohibitions.
- 16.40.350 Pedicab Regulations.

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- 16.40.360 Pedicab Driver and Vehicle Requirements and Prohibitions.
- 16.40.370 Maximum Hours For Drivers.
- 16.40.380 For-Hire Vehicle Requirements and Prohibitions.
- 16.40.390 Identification of SAT Vehicles.
- 16.40.410 LPT and Taxi Insurance Requirements.
- 16.40.420 Pedicab Insurance Requirements.
- 16.40.430 Financial and Operating Data.
- 16.40.440 Reports to the Administrator.
- 16.40.450 Limousine, Executive Sedan and Taxi Logs Required.
- 16.40.460 Limousine and Executive Sedan Transportation Must Be Prearranged; Exceptions.
- 16.40.470 Maximum Fares for Shuttles; No Charge for Luggage.
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- 16.40.490 Safety Fund.
- 16.40.500 Compliance with Federal, State and Local Laws.
- 16.40.510 Prior Board Orders of No Effect.
- 16.40.520 Administrative Rule Authority and Process.
- 16.40.530 Civil Penalties.
- 16.40.540 Civil Penalty Table.
- 16.40.550 Company and Driver Permit Suspension and Revocation.
- 16.40.560 Criminal Penalties.
- 16.40.570 General Appeals.
- 16.40.580 Appeals Regarding Taxicab Limits.
- 16.40.590 Fee Table.
- 16.40.600 Currently Permitted Companies, Vehicles and Drivers Grandfathered; Renewal Process.
- 16.40.610 Severability.

16.40.010 Purpose.

- A.** The purpose of Chapter 16.40 is to provide for the safe, fair and efficient operation of private “for-hire” transportation services. The industry should be allowed to operate without unnecessary restraint. However, because the industry constitutes an essential part of the City’s transportation system and because transportation so fundamentally affects the City’s well being and that of its citizens, some regulation is necessary to insure that the public safety is protected, the public need provided, and the public convenience promoted. It is not the purpose of Chapter 16.40 to displace competition with regulation or monopoly public service.
- B.** The provisions contained herein should be applied and enforced in such a manner as to require the “for-hire” transportation industry to:

1. Promote innovation and adaptation to changing needs; and
2. Allow competition, so long as the public interest is served thereby.

16.40.020 Chapter Applies to All Companies, Drivers and Vehicles.

- A. The requirements of Chapter 16.40 – along with any penalties that may be assessed for violations of Chapter 16.40 – apply to all for-hire transportation companies, vehicles and drivers, whether legally and validly permitted or not.
- B. It is not a defense to any regulatory action (including penalties and fines) to assert that the City cannot act because the driver, company or vehicle does not possess a valid City-issued permit, decal or taxiplate.

16.40.030 Definitions.

- A. “Administrator” means the private for-hire transportation Program Administrator.
- B. “Approved Mechanic” means a mechanic on a list maintained on a quarterly basis by the Bureau that is published annually and whom meets all the following criteria:
 1. does not own, lease or drive a vehicle for-hire;
 2. has no financial interest in any for-hire transportation company operating within the States of Oregon or Washington;
 3. has received ASE (Automotive Service Excellence) A Series (Automobile/Light Truck Certification) master certification; and
 4. is not employed by any for-hire transportation company.
- C. “Board” means the Private For-Hire Transportation Board of Review.
- D. “Branded Vehicle” (aka “Reconstructed Vehicle”) means any vehicle that has been purchased by an insurance company because the vehicle has been severely damaged typically due to collision, fire or flood damage, and the value of the vehicle is considered less than the cost to repair the vehicle.
- E. “Bureau” means the Revenue Bureau of the City of Portland.
- F. “Certificate of Safety” means a document from an approved mechanic certifying that a particular vehicle meets all safety standards as set forth in this Chapter and/or administrative rules.

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- G.** “Company Permit” means the permit issued to a private for-hire transportation company under the terms of this Chapter and/or administrative rules.
- H.** “Compensation” means any form of payment or gratuity by a customer or customer’s agent to a permitted for-hire driver or company for the use of the driver or company’s for-hire transportation services. For-hire transportation providers that only accept gratuities, tips, etc, are considered to be providing “for-hire” transportation services.
- I.** “Customer” means a person who purchases for-hire transportation service from a for-hire transportation service provider that is permitted or should be permitted by the City. The customer may or may not also be a passenger.
- J.** “Day” means a business day and not a calendar day unless specifically stated otherwise.
- K.** “Decal” means the numbered identification sticker issued by the City and affixed to an LPT vehicle.
- L.** “Decaled” means that a particular for-hire transportation vehicle is in full compliance with the requirements of Chapter 16.40 and is operating legally and validly in the City of Portland.
- M.** “Director” means the Director of the Revenue Bureau.
- N.** “Driver Permit” means the permit issued to a private for-hire transportation driver under the terms of this Chapter.
- O.** “Driver” means a for-hire transportation driver, including taxi drivers and LPT drivers.
- P.** “Executive Sedan” means a large expensive passenger sedan or full-sized sports utility vehicle (SUV) commonly recognized by the limousine industry as an executive vehicle and used to provide ongoing luxury transportation.
- Q.** “Fareless Square” means the area as defined by TriMet and located in the City of Portland wherein no paid fare is required to ride a TriMet bus, the Portland Streetcar or the MAX train. It is generally defined to include most of downtown Portland (within the boundaries of the Willamette River, NW Irving Street, and the I-405 freeway), as well as MAX stations from the Rose Quarter to Lloyd Center and bus stops along NE Multnomah to 13th Avenue.

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- R.** “Limited Passenger Transportation Company” (LPT Company) means a for-hire transportation company other than a taxi company.
- S.** “Limited Passenger Transportation” (LPT) means providing for-hire transportation services with pedicabs or with vehicles other than taxicabs. LPTs include Pedicabs, Executive Sedans, Limousines, Shuttles and SATs.
- T.** “Limousine” means an Executive Sedan whose chassis and wheelbase have been altered by a Qualified Vehicle Modifier (QVM) program participant (or its equivalent) beyond the length of the manufacturer’s original specifications, whether at the time of manufacture or after, and which is commonly recognized by the limousine industry as a “limousine”.
- U.** “Operate” means driving a for-hire vehicle, using a for-hire vehicle to conduct a business, receiving money from the use of a for-hire vehicle, or causing or allowing another person to do the same.
- V.** “Passenger” means a person traveling in a for-hire transportation vehicle that is not the operator of that vehicle.
- W.** “Pedicab” means a tricycle that:
1. transports or is capable of transporting passengers on seats attached to the tricycle;
 2. is powered by human power or an electrical assist; and
 3. is used as a for-hire transportation service.
- X.** “Pedicab Driver Permit” means the permit issued to a pedicab driver under the terms of this Chapter.
- Y.** “Permittee” means a person or business entity that has been issued a driver or company permit under the terms of this Chapter.
- Z.** “Permitted” means that a for-hire transportation company, driver or vehicle has a valid city-issued permit, decal or taxiplate.
- AA.** “Person” means any individual, partnership, joint venture, association, club, trust, estate, corporation, or other form of business organization recognized by Oregon Law.
- BB.** “Prearranged” means that the customer, passenger or passenger’s agent has personally asked the driver of a validly permitted for-hire vehicle or a validly

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permitted for-hire transportation company for transportation services, regardless of the communication format used. The Bureau may establish by administrative rule the amount of time required between asking and receiving transportation services to allow a presumption that the services were “prearranged”.

- CC.** “Private for-hire transportation” means providing vehicular or pedicab transportation for compensation of any kind within the Portland City limits. However, it does not include transportation provided by a public or governmental entity, transportation that is regulated entirely by the state of Oregon or the federal government, animal-powered transportation or transportation that is incidental to the underlying service provided.
- DD.** “Private for-hire vehicle” means a vehicle or pedicab used to transport persons for-hire or other consideration, and which seats 15 or less passengers and is not exclusively regulated by the State. This includes limousines, taxis, executive sedans, shuttles, SATs and pedicabs, but does not include school buses, charter buses or ambulances.
- EE.** “Revocation” means that a permit, taxiplate or decal is no longer valid and cannot be renewed without approval by the Director of the Revenue Bureau.
- FF.** “Shuttle Transportation” means transportation provided in a vehicle over a fixed route and time schedule.
- GG.** “Specially Attended Transportation” (SAT) means transportation used for agency-sponsored, contracted transportation of non-emergency medical and/or special needs passengers. Ambulance vehicles providing basic life support (BLS) and advanced life support (ALS) services are excluded from this definition.
- HH.** “Suspension” means that a permit, taxiplate or decal is temporarily invalid and that the holder of that permit, taxiplate or decal may not engage in any for-hire transportation activity under the authority granted to that suspended permit, taxiplate or decal.
- II.** “Taxicab Company” means any entity operating taxicabs other than as a driver and regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- JJ.** “Taxicab driver” means any person operating taxicabs as a driver for any taxicab company regardless of whether the vehicles so operated are owned by the company, leased, or owned by individual members of the company.
- KK.** “Taxicab” means any vehicle that carries passengers for-hire where the destination and route traveled may be controlled by a passenger and the fare is

calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof.

- LL.** “Taximeter” means a mechanical or electronic device that calculates and displays a fare based on an initial fee, distance traveled, waiting time, or any combination thereof.
- MM.** “Taxiplate” means the numbered metal identification plate issued by the City and permanently affixed to the rear of a taxicab.
- NN.** “Taxiplate” means that a particular for-hire transportation taxicab is in full compliance with the requirements of Chapter 16.40 and is operating legally and validly in the City of Portland.
- OO.** “Waiting time” means the time during which a taxicab is under the direction of a passenger and the taxicab is moving slower than the per-mile rate allowed by this Chapter.
- PP.** “Wheelchair Accessible” means that a for-hire transportation vehicle is equipped with a hydraulic lift or ramps designed for the purpose of transporting wheelchair users or others using mobility devices, or which contains any other physical device or alteration designed to permit access to and enable the transportation of physically handicapped persons.

16.40.040 Private For-Hire Transportation Board of Review.

- A.** Membership and Terms. The Private For-Hire Transportation Board of Review (“Board”) consists of 14 members, including a Chairperson. The Director serves as the Chairperson and is a permanent member of the Board. All other members serve 2-year staggered terms as prescribed by administrative rule. In order to achieve the necessary staggered terms, the initial terms of some members will be for less than two years, as prescribed by administrative rule.
- B.** Composition. The Board is composed of:
 - 1.** The Director, or his or her designee;
 - 2.** A representative from the Portland Bureau of Transportation;
 - 3.** A representative from the tourism industry;
 - 4.** A representative for persons with disabilities;
 - 5.** A representative of the riding public;

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6. A representative from the Port of Portland;
 7. A representative from TriMet;
 8. A representative from the taxicab companies;
 9. A representative from the non-limousine LPT companies;
 10. A representative from the SAT companies;
 11. A representative from the limousine companies;
 12. A representative from the pedicab companies;
 13. A representative from the taxicab drivers; and
 14. A representative from the LPT drivers.
- C.** Selection of Members. The Commissioner-in-Charge of the Bureau appoints the Board positions described in Subsections 16.40.040 B.2 - B.7. The Board positions described in Subsections 16.40.040 B.8. - B.14 are selected as provided by Administrative Rule and these are termed "Industry Board member positions". All validly-permitted for-hire transportation companies and drivers may vote on selecting their respective industry representatives.
- D.** Salary. Board members serve without pay, except they may receive their regular salary during time spent on Board matters.
- E.** Meeting Times; Quorum. Unless the Director cancels a meeting for good cause, the Board will meet every odd-numbered month beginning in July 2009. Eight members must be present to have a quorum, with at least five members present from the positions described in Subsections 16.40.040 B.1. - B.7. Meetings must be noticed and conducted as provided by ORS 192.610 et seq. The Board Chairperson will maintain order and establish and limit the matters to be considered at all Board meetings. The Director may schedule a special meeting provided that at least 5 days' notice is given and the meeting is otherwise noticed and conducted as provided by ORS 192.610 et seq.
- F.** Absences. If any Board member is absent from more than three regularly-scheduled Board meetings during a 12-month period, that member may be dismissed by a majority vote of the Board. If a Board member sends an alternate in his or her place as provided by Subsection 16.40.040 G., then no absence is considered to have occurred.

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- G.** Alternate Members. If any Board member cannot make a regularly-scheduled meeting, that member may send an alternate in the member's place provided that the member gave at least 5 days' notice to the Director. Any alternate attending as a result of this Subsection may not vote on any Board action, unless the alternate has been appointed as an alternate by the City Council.
- H.** Company Representative Requirements. Company representatives cannot serve as a specific industry representative unless:

 - 1. at least 85 percent of that company's business is derived from that industry; or
 - 2. the company has at least 20 vehicles in that industry.
- I.** Vacancies. Any Board position that becomes vacant for any reason will be filled in the same manner as required by Subsection 16.40.040 C. for non-industry member positions, and by administrative rule for industry member positions.

16.40.050 Board Authority.

- A.** The Board advises the Bureau on matters relating to the for-hire transportation industry operating within the jurisdiction of the City of Portland.
- B.** In addition to its advisory role, the Board has the following specific authority and jurisdiction:

 - 1. Adopt or reject administrative rules proposed by the Director;
 - 2. Impose, modify or remove fuel surcharges that are in addition to any fare amounts regulated under Chapter 16.40;
 - 3. Approve or deny applications by an LPT company to increase the number of decaled vehicles it may operate if the number has been capped by administrative rule pursuant to Section 16.40.200;
 - 4. Approve or deny applications by a taxi company to increase the number of permitted taxicabs it may operate pursuant to Section 16.40.210; and
 - 5. Recommend approval or denial of taxicab company applications pursuant to 16.40.160.

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16.40.060 Board Standing Committees.

- A.** The Board has three permanent standing committees of which only validly-permitted companies and drivers may be members:

 - 1.** A “Company Standing Committee,” consisting of all for-hire transportation company owners or managers;
 - 2.** A “Taxi Driver Standing Committee,” consisting of all taxi drivers; and
 - 3.** An “LPT Driver Standing Committee,” consisting of all LPT drivers.
- B.** No entities or persons regulated under Chapter 16.40 are required to attend the standing committees described in Subsection 16.40.060 A.
- C.** The Company Standing Committee will select five members who will serve as the Board members described in Subsections 16.40.040 B.8. - B.12. The selection will take place according to administrative rule. The Company Standing Committee will also select one person to serve as its Chairperson from among the five members serving on the Board.
- D.** The Driver Standing Committees will each select a member who will serve as both Chairperson of that committee and as the Board members described in Subsections 16.40.040 B.13. - B.14.
- E.** The representatives will bring to the Board’s attention issues that are important to their respective committees.
- F.** The Board may task any standing committee to review and discuss issues relevant to the for-hire transportation industry and ask the standing committee to issue a report to the Board at a future meeting. The report may or may not include specific recommendations based on the standing committee’s review and discussion.
- G.** The standing committees are responsible for adopting rules of procedure for their meetings, including the frequency of their meetings and the procedure for conduct of the meetings, except that all standing committees are required to keep minutes of the meetings and take attendance of those present. The minutes and attendance records must be reported to the Board at the next regularly-scheduled Board meeting following a standing committee meeting.
- H.** The City will assist the standing committees with notices, meeting rooms and other administrative requirements.

16.40.070 Fuel Surcharges.

- A.** The Board has the authority to impose, modify and rescind fuel surcharges. Any fuel surcharge imposed under this Section or any modification of a fuel surcharge already in place that increases the fuel surcharge must be reviewed by the Board within 180 days from its effective date.
- B.** A failure by the Board to review any fuel surcharge as required in Subsection 16.40.070 A. automatically rescinds the surcharge and it is of no further effect.
- C.** Fuel surcharges authorized under this Section may only be imposed or modified pursuant to the criteria found in administrative rule. Fuel surcharges may be rescinded by the Board at any time, even if the criteria for allowing a fuel surcharge currently exist.
- D.** If at any time a fuel surcharge is currently in place, appropriate notification of the surcharge must be given to the public. The Board may determine by administrative rule what suffices for appropriate notification, but at a minimum all vehicles subject to a fuel surcharge must have signage in the vehicle notifying of the surcharge.

16.40.080 Pedicab Driver Permits Required – Application Process & Requirements.

- A.** Permit Required. No person may drive a pedicab without a valid, current pedicab driver's permit issued under Chapter 16.40.
- B.** Application Documents Required. Applicants for a pedicab driver's permit must submit to the Administrator the items listed below. The failure to submit any of the items listed will result in a denial of the permit:
 - 1.** a completed application on a form approved by the Administrator;
 - 2.** a copy of the applicant's current driver's license or government issued photo identification (if the company has a Bureau-approved training class relating to traffic rules and regulations); and
 - 3.** if necessary, any information that reasonably relates to the application or is a clarification of information provided to the Administrator.
- C.** Photographs. Applicants will be photographed by the Bureau upon submittal of the driver permit application. The photograph then becomes a part of the applicant's submittal package.

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- D.** Fees Required. Applicants must submit a nonrefundable application fee in the amount listed in the Fee Table in Section 16.40.590.
- E.** Age and Criminal History. Applicants for a pedicab driver's permit may not be issued a permit if any of the following conditions exist:
- 1.** The applicant has a felony of any kind in the 10 years preceding the submission of the application;
 - 2.** The applicant has a felony involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
 - 3.** During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
 - a.** any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or
 - b.** any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
 - 4.** The applicant is less than 18 years old.
- F.** Driver Safety and Customer Service Training Requirements. Applicants must successfully complete the following training and classes within 6 months of issuance of the driver's permit:
- 1.** A Bureau-approved driver safety program; and
 - 2.** A Bureau-approved customer service training class.
- G.** Driver Knowledge and Skills Testing Requirements. Applicants must successfully complete each of the following tests as administered by the Bureau before a permit can be issued:
- 1.** Map-reading;
 - 2.** Relevant City Code provisions and administrative rules; and
 - 3.** Portland-area attractions.

16.40.090 LPT and Taxi Driver Permits Required – Application Process & Requirements.

- A.** Permit Required. No person may drive a for-hire transportation vehicle without a valid, current for-hire transportation driver's permit issued under Chapter 16.40.
- B.** Application Documents Required. Applicants for a for-hire transportation driver's permit must submit to the Administrator the items listed below. The failure to submit any of the items listed will result in a denial of the permit:
 - 1.** a completed application on a form approved by the Administrator;
 - 2.** a copy of the applicant's current driver's license;
 - 3.** a copy of the applicant's non-Oregon driving record for any year in which the applicant was not a resident of Oregon during the last 10 years, regardless of the jurisdiction; and
 - 4.** if necessary, any information that reasonably relates to the application or is a clarification of information provided to the Administrator.
- C.** Photographs. Applicants will be photographed by the Bureau upon submittal of the driver permit application. The photograph then becomes a part of the applicant's submittal package.
- D.** Fees Required. Applicants must submit a nonrefundable application fee in the amount listed in the Fee Table in Section 16.40.590.
- E.** Age, Criminal History, Driving History and Insurability Requirements. Applicants for a driver's permit may not be issued a permit if any of the following conditions exist:
 - 1.** The applicant has a felony of any kind in the 10 years preceding the submission of the application;
 - 2.** The applicant has a felony involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
 - 3.** During the 5-year period preceding the submission of the application, the applicant has been convicted of any criminal offense involving:
 - a.** any misdemeanor involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or weapons; or

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- b. any traffic crime, including but not limited to: driving under the influence of intoxicants, reckless driving, attempt to elude a police officer, or leaving the scene of an injury accident;
 4. During the 5-year period preceding the submission of the initial application, the applicant had greater than 10 traffic infractions as defined in ORS 801.557; greater than five serious traffic violations as defined in ORS 801.477; greater than five motor vehicle accidents that are required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, greater than five of any combination of serious traffic violations or motor vehicle accidents as provided above;
 5. During the 10-year period preceding the filing of the initial application, the applicant's driving privileges were suspended or revoked by any governing jurisdiction as a result of a driving-related incident;
 6. The applicant has more than two traffic violations or infractions of any kind within the previous 12 months from the date of the application;
 7. The applicant has more than four infractions of any kind within the previous 12 months from the date of the application;
 8. The applicant does not have at least 2 years' worth of continuous driving experience in a United States jurisdiction immediately prior to the date of the application's submission;
 9. The applicant is less than 21 years old; or
 10. The applicant is unable to obtain car insurance for any reason.
- F. Driver Safety and Customer Service Training Requirements. Applicants must successfully complete the following training and classes within 6 months of issuance of the driver's permit:
 1. A Bureau-approved driver safety program; and
 2. A Bureau-approved customer service training class.
- G. Driver Knowledge and Skills Testing Requirements. Applicants must successfully complete each of the following tests as administered by the Bureau before a permit can be issued:
 1. Map-reading;

2. Relevant City Code provisions and Administrative Rules; and
3. Portland-area attractions.

H. CPR Training for SAT Drivers. In addition to all other requirements found in Section 16.40.090, SAT drivers must have CPR and advanced first aid certifications within 6 months of issuance of the driver's permit..

16.40.100 Issuance of Driver's Permit; Term; Replacements.

- A.** Issuance and Fees. If an applicant submits the required documents and otherwise satisfies all conditions and requirements found in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs), the Administrator will issue a driver's permit to the applicant within 20 days of completion of all requirements and payment of the permit fees outlined in the Fee Table in Section 16.40.590.
- B.** Permit Requirements: All driver permits must:
1. contain the permit number, permit expiration date, the driver's name and the driver's photograph;
 2. be posted in a prominent place within any vehicle driven by the permitted driver if the vehicle is a taxicab, pedicab, shuttle or SAT; and
 3. be inside the vehicle and available for inspection by any customer, passenger, police officer or designated City employee if the vehicle is a limousine or executive sedan.
- C.** Term. Driver's permits are valid for a period of 12 months from the date of issuance and must be renewed upon expiration. Permits expire on the last day of any given month, regardless of what day of the month the Bureau issued the permit. In order to achieve the goal of staggered renewal dates, the Board may by administrative rule require that initial permit terms following passage of this ordinance are valid for a period of less than 12 months.
- D.** Replacements. If a driver's permit is lost, damaged or stolen, the Administrator will issue a replacement permit for a fee in the amount outlined in the Fee Table in Section 16.40.590.
- E.** Compliance with Business License Tax Law. If applicable, any driver issued a driver's permit under this Chapter must comply with all provisions of the Business License Tax Law, Chapter 7.02, within 60 days of issuance of a driver's permit.

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- F.** Suspension for Failure to Complete Training. Drivers that do not successfully complete all training and skills tests as required by Subsections 16.40.080 F., 16.40.090 F. and 16.40.090 H. within 6 months of the permit's issuance must return their permits to the City and those permits are thereafter suspended pending completion of all required skills tests and trainings. If the required tests and trainings are not completed within 9 months of the permit's original issuance date, the permit is revoked and applicants must begin the permit process again.

16.40.110 Further Review and/or Denial of a Driver Permit Application.

- A.** "Request for More Information" Letter. If the Administrator determines that a permit cannot be issued due to an incomplete application, a failure to pay the application fee, or for any reason found in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs) that can potentially be corrected, the Administrator will send the applicant a "Request for More Information" letter (the "Information Letter") within 21 days of the initial application date. If the applicant is a taxi driver, the Administrator will also mail a copy of the Information Letter to the sponsoring taxi company. If the Administrator does not grant a permit or send an Information Letter within 21 days, the application is deemed denied and the applicant may appeal pursuant to Section 16.40.580.
- B.** Contents of Information Letter. The letter must list the reason(s) in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs) that require further information and/or review before a permit may be issued.
- C.** Applicant Response Opportunity. If an applicant receives an Information Letter, the applicant may respond by either:
- 1.** Submitting any missing information as requested by the Administrator in the letter;
 - 2.** Submitting any explanatory information regarding any criminal or driving infraction that was the subject of the denial;
 - 3.** Completing, within 90 days, any skills tests, driving tests, or knowledge tests that the applicant failed; or
 - 4.** Demonstrating to the Bureau's satisfaction that the disqualifying factor is either not likely to reoccur or that it occurred under circumstances that diminish the seriousness of the behavior.
- D.** Successful Response. Applicants that successfully and timely address the initially-disqualifying reason found in the Information Letter will be issued a driver's permit pursuant to Section 16.40.100.

- E.** Failure to Respond. An application is deemed rejected if the applicant fails to respond in writing within 10 days to an Information Letter. Rejected applicants that subsequently wish to obtain a driver's permit must file a new application and meet all the requirements of Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs), including paying all necessary application fees. If the applicant shows that the delay in responding was based on good cause, the Administrator may allow the applicant to respond to the Information Letter in the manner prescribed in Subsection 16.40.110 C.

16.40.120 Driver Permit Renewals; Consequences of Failure to Renew.

- A.** Driver permits must be renewed every 12 months from the date of issuance.
- B.** Every 2 years from the date of the initial permit, drivers must successfully complete all driver safety classes as described in Subsection 16.40.090 F. In addition, the City will conduct a review of the driver's criminal history and DMV records during this time.
- C.** The following information, certificate of completion and payment amount must be submitted to the Bureau no less than 1 month prior to the renewal date:
- 1.** Updated file information if any information in the original application has changed;
 - 2.** Payment of the renewal fee as outlined in the Fee Table in Section 16.40.590.
 - 3.** Certificate of completion of a Bureau-approved driver safety class as described in Subsection 16.40.090 F.
- D.** Permits will not be renewed unless the driver is in compliance with the City's Business License Tax Law, Chapter 7.02, if applicable.
- E.** Except as provided in Subsection 16.40.120 B., permits will not be renewed if the driver fails to satisfy any condition that would have been grounds to deny the initial permit, including any criminal activity or driving crimes/violations.
- F.** Permits will not be renewed if the driver has more than five assessed civil penalties or more than \$4,500 in assessed civil penalty fines in the 12 months prior to the renewal date.
- G.** If a driver fails to timely pay the permit renewal fee, timely provide the renewal information required by Subsection 16.40.120 C., or fails to timely complete any

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training course as required by Subsection 16.40.120 B., the permit expires and becomes void. Voided driver permits require the former permittee to file an initial permit application and pay all necessary fees as outlined in Section 16.40.090 or, if applicable, Section 16.40.080 (pedicabs) to obtain a valid permit.

16.40.130 LPT Company Permits Required – Application Process & Requirements.

- A.** Permit Required. No person or entity may conduct business as an LPT for-hire transportation company without a valid, current LPT company permit issued by the City under Chapter 16.40.
- B.** Application Requirements. An applicant for an LPT company permit must submit to the Administrator:
 - 1.** a completed application on a form supplied by the Bureau;
 - 2.** proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
 - 3.** proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;
 - 4.** The name of any person or entity holding an ownership interest of 20 percent or more for any corporation, limited liability company or limited liability partnership;
 - 5.** If an SAT company, proof that it has at least one valid government-approved contract for services; and
 - 6.** A nonrefundable application fee in the amount outlined in the Fee Table in Section 16.40.590.
- C.** Additional Requirements. In addition to the requirements of Subsection 16.40.130 B., the Board has the authority to require, by administrative rule, that the applicant demonstrate some or all of the following:
 - 1.** that it has an adequate amount of financial resources to ensure compliance with the requirements of this Chapter, including, but not limited to, insurance and vehicle requirements,
 - 2.** that it has a valid business plan to enter into the for-hire market,

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3. that there is a need for additional LPT service providers in the City limits to service a growing demand or that the applicant has a business model to attract new business in the current market.
- D. Compliance with Secretary of State Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

16.40.140 Issuance of LPT Company Permits; Term; Replacements.

- A. Issuance of Permit. If the applicant provides all necessary documents required in Subsection 16.40.150 D., and if the applicant has a current business license issued under Chapter 7.02, the Administrator will issue an LPT Company permit upon the payment of the required permit fee as outlined in the Fee Table in Section 16.40.590. If the applicant fails to satisfy any requirement, the permit will be denied.
- B. Term. LPT Company permits are valid for a period of 12 months from the date of issuance. Permits expire on the last day of any given month, regardless of what day of the month the Bureau issued the permit. In order to achieve the goal of staggered renewal dates, the Board may by administrative rule require that initial permit terms following passage of this ordinance are for less than 12 months.
- C. Replacement Permit. If an LPT company permit is lost, damaged or stolen, the Administrator will issue a replacement permit for a fee amount as outlined in the Fee Table in Section 16.40.590.

16.40.150 Taxicab Company Permits Required – Application Process & Requirements.

- A. Permit Required. No person or entity may conduct business as a taxicab company without a valid, current company permit issued by the City under Chapter 16.40.
- B. Application Requirements. An applicant for a taxicab company permit must submit to the Administrator:
 1. a completed application on a form supplied by the Bureau;
 2. proof of registration with the Secretary of State for any corporate, LLC or LLP entity;
 3. proof of registration with the Secretary of State for any assumed business name, along with a listing of the registrant of such;

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4. A list of all persons or entities with more than 10 percent stock ownership if the company issues stock certificates; and
 5. A nonrefundable application fee in the amount outlined in the Fee Table in Section 16.40.590.
- C. Compliance with Secretary of State's Rules. No permit will be issued unless the company is validly registered with the Secretary of State, including all assumed business names.

16.40.160 Issuance or Denial of Taxicab Company Permit; City Council Action.

- A. Administrator Review Process. After receiving a completed taxicab company application form and upon successful completion of all the requirements of Section 16.40.150, the Administrator will review the application in order to make a recommendation to the Board for approval or denial.
- B. Recommendation Factors. The Administrator's recommendation will be based upon the requirements of Chapter 16.40, any regulations established by the Board pursuant to Section 16.40.050, and the following additional factors:
1. The current status of the public transportation system in the City;
 2. The current and future ability of the public transportation system to provide the timely and effective movement of persons;
 3. The ratio of population within the City of Portland to the number of taxicabs currently in operation;
 4. The demonstrated need for additional taxicab service in the City that is not accomplished by existing companies, as shown by the applicant;
 5. The present utilization patterns of taxicabs currently in operation; and
 6. The interests of the applicant in establishing a local business to legitimately serve the citizens of this City.
- C. Administrator's Staff Recommendation Report. Upon completion of the review process outlined in Subsection 16.40.160 A., the Administrator will prepare a Staff Recommendation Report that recommends approval or denial of the application. If the Administrator recommends denial, the Administrator will state the specific reasons therefore in the Staff Recommendation Report.

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- D.** Board Review. Upon completion of the Staff Recommendation Report the Administrator will forward it and the original taxi company application to the Board for consideration at the next regularly-scheduled Board meeting. The Board will review the application and the Staff Recommendation Report and will consider the Administrator's recommendation. Board members may ask questions of the applicant during the Board meeting. Upon the Board's review and consideration of the application, it will then vote on whether it recommends approval or denial of the application. The Board will reduce its recommendation to a written document (the "Board Recommendation") and the Bureau will forward it to the City Council along with the Staff Recommendation Report.
- E.** Council Hearing. Once the Bureau has forwarded the Staff Recommendation Report and the Board Recommendation to City Council, the Administrator will contact the Auditor's Office and set a Council hearing date on the Board's recommendation of the applicant's approval or denial. The Council will conduct a public hearing regarding the Board's recommendation on the application. At such hearing the officers and/or major stockholders in the applicant company may be directed by the Council to personally appear before it.
- F.** Council's Standard of Review. The Council's review is de novo, but it will consider the Staff Recommendation, the Board's Recommendation, and the factors found in Subsection 16.40.160 B. in determining whether to grant an application for a new taxicab company permit.
- G.** Issuance or Denial of Permit. At the close of the hearing, the Council will direct the Bureau to issue a taxicab company permit to the applicant only if it finds:
- 1.** That the interests of the City will be served thereby; and
 - 2.** That the applicant has sufficient financial resources to be able to meet the minimum standards established by Section 16.40.270.
- H.** Conditions of Permit. If the permit is granted, it may contain such terms or conditions as the Council deems appropriate.
- I.** Fees. The Bureau cannot issue the taxicab company permit until the applicant pays the permit fee outlined in the Fee Table in Section 16.40.590.

16.40.170 LPT and Taxicab Company Permit Renewals.

- A.** LPT and Taxicab Company permits must be renewed 12 months after issuance. All permits expire on the last day of any given month, regardless of what day of the month the original permit was issued.

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- B.** The following information and documents must be submitted to the Bureau no later than 1 month prior to the renewal date:
 - 1.** Updated file information if any information in the initial application has changed; and
 - 2.** Updated copies of insurance certificates for any permitted vehicles that are subject to the requirements found in Section 16.40.410.
- C.** LPT and taxi companies must pay the renewal fees outlined in the Fee Table in Section 16.40.590.
- D.** Permits will not be renewed if the company fails to satisfy any condition that would have been grounds to deny the initial permit.
- E.** Permits will not be renewed unless the company is in compliance with the City's Business License Tax Law, Chapter 7.02.
- F.** Permits will not be renewed if the company does not have a current, valid registration with the Oregon Secretary of State's office, including registration of all assumed business names.

16.40.180 Pedicab Decals Required – Application Process & Requirements.

- A.** Decal Required for Pedicabs. No pedicab may be used as a for-hire transportation vehicle without a valid and unobstructed decal issued by the City under Chapter 16.40. Applicants for a vehicle decal must satisfy the conditions as set forth in Subsections 16.40.180 B. – F. for every vehicle decal application, which includes providing to the Bureau a copy of all certificates required.
- B.** Application Form. The applicant for a pedicab decal must complete a "Pedicab Decal Application Form" provided by the Administrator and which includes the following requested information:
 - 1.** Pedicab Make;
 - 2.** Pedicab Model; and
 - 3.** Pedicab Owner.
- C.** Insurance Certificate. All pedicab applicants must provide the Bureau with an insurance certificate of liability indicating that the requirements of Section 16.40.420 have been satisfied.

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- D.** Safety Inspection. The Board has the authority, by administrative rule, to require that a pedicab satisfy certain safety standards before it may be decaled. This may include inspection by an independent third party or inspection by City personnel.
- E.** Pedicab Condition. Notwithstanding Subsection 16.40.180 D., no pedicab will be decaled if the Administrator determines that the interior is not clean and/or the exterior is not in good condition.
- F.** Fees. Pedicab companies must pay a nonrefundable application fee for each for-hire pedicab applying for a decal in the amount outlined in the Fee Table in Section 16.40.590.

16.40.190 LPT Decals and Taxiplates Required; Application Process & Requirements.

- A.** Decal Required for LPT Vehicles. No LPT vehicle may be used as a for-hire transportation vehicle without a valid and unobstructed decal issued by the City under Chapter 16.40. Applicants for a vehicle decal must satisfy the conditions as set forth in Subsections 16.40.190 C. – J. for every vehicle decal application, which includes providing to the Bureau a copy of all certificates required.
- B.** Taxiplate Required for Taxicabs. No taxicab vehicle may be used as a for-hire transportation vehicle without a valid and unobstructed taxiplate issued by the City under Chapter 16.40. Applicants for a taxiplate must satisfy the conditions as set forth in Subsections 16.40.190 C. – J. for every vehicle taxiplate application, which includes providing to the Bureau a copy of all certificates required
- C.** Application Form. The applicant for a vehicle decal or taxiplate must complete a “Decal/Taxiplate Application Form” provided by the Administrator and which includes the following requested information:
 - 1.** Vehicle Make;
 - 2.** Vehicle Model;
 - 3.** Vehicle Identification Number (VIN);
 - 4.** Vehicle Owner;
 - 5.** Vehicle Model Year;
 - 6.** Vehicle License Plate Number; and
 - 7.** Whether the vehicle is wheelchair accessible

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- D.** Age of Vehicle. After December 31, 2011, decals and taxiplates will not be issued to a for-hire vehicle applicant unless the vehicle meets the age requirements below. For the purposes of Chapter 16.40, the age of a vehicle is determined by the manufacturer's model year, regardless of when the vehicle was purchased or put into service as a "for-hire" vehicle. Apart from the exception found in Subsection 16.40.190 E., no for-hire vehicle may be older than the following ages:
1. Taxicabs: 10 years
 2. Shuttles: 10 years
 3. Executive Sedans: 7 years
 4. SAT's: 10 years
 5. Wheelchair Accessible Vehicles: 15 years
- E.** Vehicle Age Exception. Applicants whose vehicles are considered "classic" or "antique" under criteria found in administrative rule may petition the Administrator for an exception to the vehicle age requirements found in Subsection 16.40.190 D. Applicants who can demonstrate to the Administrator that their vehicle is in excellent safety, mechanical and physical condition despite it being beyond the age limits found in Subsection 16.40.190 D. may be granted an exception to those age limits.
- F.** Insurance Certificate. All decal and taxiplate applicants must provide the Bureau with an insurance certificate of liability indicating that the requirements of Section 16.40.410 have been satisfied.
- G.** Safety Certificate. Each vehicle must pass a standardized vehicle safety test as performed by a certified mechanic approved by the City. The Certified Mechanic will then issue to the applicant a "Safety Certificate" stating that the vehicle passed the required safety inspection. A list of certified mechanics and the things that must be inspected by the mechanic are found in administrative rules.
- H.** Vehicle Condition. Notwithstanding the issuance of a safety certificate, no vehicle will be decaled or taxiplated if the Administrator determines that the interior is not clean and/or the exterior is not in excellent condition.
- I.** Vehicle Registration. All applicants must provide the Administrator with a copy of the appropriate state-issued vehicle registration for all for-hire transportation vehicles.

- J.** Fees. All for-hire companies must pay a nonrefundable application fee for each for-hire vehicle applying for a decal or taxiplate in the amount outlined in the Fee Table in Section 16.40.590.

16.40.200 Limit on Number of LPT Vehicles Allowed.

- A.** The total number of LPT decal-issued vehicles for any specific LPT industry (sedan, limousine, shuttle, SAT or pedicab) may be capped by administrative rule if the Bureau determines that market saturation exists. In determining if market saturation exists, the Bureau will examine the factors outlined in administrative rule.
- B.** If the Bureau determines that market saturation exists after examining the factors listed in administrative rule, the Director may ask the Board to adopt an administrative rule capping the number of LPT vehicles for that specific industry. In making this determination, the Bureau is not required to find that all factors are present, nor is it required to give any one factor priority over other any other factor.
- C.** If the Board adopts an administrative rule that caps the number of LPT decaled vehicles, then no new permits will be issued by the Bureau in that specific industry category.
- D.** Notwithstanding Subsection 16.40.200 C., no currently-decaled vehicle will be required to forfeit its decal upon adoption of any administrative rule capping the number of decaled vehicles allowed.
- E.** Notwithstanding Subsection 16.40.200 C., any vehicle that has been providing for-hire transportation for at least 12 months prior to June 1, 2009, and which was not subject to this Chapter's requirements at that time but which is subject to this Chapter's requirements as of June 1, 2009, may be permitted provided that the Bureau receives its application for a permit by August 31, 2009.
- F.** If the Board adopts an administrative rule that caps the number of decaled LPT vehicles, any LPT company affected by the cap may apply to the Board for an increase in the number of decaled vehicles that it may operate notwithstanding the cap. The application must be in a form established by the Administrator. Applications will only be accepted from April 1 – April 30 and September 1 – September 30 of any given year. Requests for more LPT vehicle decals will be considered by the Board at the first regularly-scheduled board meeting after July 1 for the April applications and after December 1 for the September applications. Bureau staff will submit a recommendation to the Board at least 10 days prior to the meeting, but the Board is not required to follow staff's recommendation. The Board may grant the application in whole or in part upon a finding that an

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increase in decal vehicles for the applicant would not detrimentally affect market saturation or that the applicant has demonstrated a need for increased vehicles to serve a growing demand for that applicant.

16.40.210 Limit on Number of Taxicabs Allowed.

- A.** No taxicab company may operate more taxicabs than authorized by the Council, unless additional taxicabs have been authorized by the Board pursuant to Subsection 16.40.210 B.
- B.** A taxicab company may apply to the Board for an increase of the number of taxicabs that the company may operate. The application must be in a form established by the Administrator. Applications will only be accepted from April 1 – April 30 and September 1 – September 30 of any given year. Requests for more taxiplates will be considered by the Board at the first regularly-scheduled board meeting after July 1 for the April applications and after December 1 for the September applications. Bureau staff will submit a recommendation to the Board at least 10 days prior to the meeting, but the Board is not required to follow staff's recommendation. The Board may grant the application in whole or in part.
- C.** If the Board approves an increase in the number of taxicabs that a company may operate, it may also impose additional conditions, including but not limited to, vehicle type or utilization. If a condition is imposed under this Subsection, the Board may remove it upon application by the taxi company if the Board determines that the reasons for the condition no longer exist or have otherwise been minimized.
- D.** Any Board action that authorizes an increase in the number of taxicabs operated by a taxicab company is automatically stayed if a timely appeal of such action is filed by an aggrieved party pursuant to the procedures in Section 16.40.580.

16.40.220 Vehicle Decal and Taxiplate Issuance or Denial.

- A.** Upon successful completion of the vehicle or pedicab decal/taxiplate application process and payment of the required permit fee as outlined in the Fee Table in Section 16.40.590, the Administrator will issue a vehicle identification decal bearing a bar code and the city seal for each LPT vehicle or pedicab that qualifies, and the Administrator will issue a taxiplate bearing a unique City-issued number for each taxicab that qualifies.
- B.** Decals and taxiplates are valid for a period of no more than 12 months from the date of issuance, and all decals and taxiplates expire on the same day as the expiration of the LPT or Taxi Company permit with which they are affiliated. Fees for decals and taxiplates that are not issued contemporaneously with a

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company permit will be prorated to equal the cost of the number of months remaining until the company permit expires.

- C.** Decals must be affixed to the vehicle's front and back window in a manner outlined by administrative rule.
- D.** Taxiplates must be affixed to the trunk, tailgate or rear bumper of the taxicab.
- E.** All decals and taxiplates must be clearly visible upon outside inspection.
- F.** Permittees may not operate any substitute vehicle or pedicab until the substitute vehicle or pedicab has passed the safety inspection process and has a decal or taxiplate affixed to it.
- G.** Decals that are intentionally destroyed or damaged by the permittee prior to renewal and without the City's authorization are not subject to renewal.

16.40.230 Vehicle Decal and Taxiplate Renewals.

- A.** Company permittees must pay a renewal fee in the amount outlined in the Fee Table in Section 16.40.590 for each decaled and taxiplated vehicle no later than 1 month prior to the decal or taxiplate's expiration date.
- B.** If the permittee fails to pay the renewal fee or provide other renewal information as required by Subsection 16.40.230 A., the vehicle decal or taxiplate is deemed abandoned and the vehicle decal or taxiplate becomes void within 30 days of its original expiration date.
- C.** Voided vehicle decals and taxiplates are not renewable in the year following their voidance.
- D.** Once a vehicle decal or taxiplate is voided, a for-hire transportation company may not renew that decal or taxiplate and instead must complete the initial application process if the company seeks a decal or taxiplate for that vehicle.
- E.** With the exception of pedicabs, vehicle decals and taxiplates will not be renewed unless the vehicle passes the safety inspection test outlined in Subsection 16.40.190 G. and the permittee provides the City with a Certificate of Safety.
- F.** No decal or taxiplate will be issued as a renewal if any condition exists that would have been grounds for denial of the initial decal or taxiplate.

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16.40.240 Transfer of Decal, Permit or Taxiplate Interest Prohibited.

- A.** All permits, decals and taxiplates issued by the City under the terms of this Chapter are City property and cannot be leased, sold, transferred or assigned in any manner.
- B.** Any decal, taxiplate or permit that is not returned to the City within 21 days upon revocation or upon a failure to renew is considered conversion of City property and is an actionable offense in a court of competent jurisdiction.
- C.** Any person or company that fails to return, within 21 days, any decal, taxiplate or permit upon revocation or upon a failure to renew is subject to a civil penalty of \$1,500.

16.40.250 Knowingly Providing False Information; Penalties.

- A.** Any person that knowingly provides materially false information on any document, insurance form, report or application required under this Chapter is subject to a civil penalty of \$250 for each occurrence.
- B.** If the correct information would have been grounds for a denial of a permit for any reason, then any permit issued due to the false information is revoked in addition to the penalty found in Subsection 16.40.250 A.
- C.** If a person knowingly provides materially false information to an insurance agent, broker or company as part of the requirements for insurance under this Chapter, then all permits issued to that person will be revoked immediately upon the date the violation is discovered by the Administrator.

16.40.260 Late Submission of Payments Due, Information or Documents; Penalties.

- A.** Any person that does not timely submit any payment when due, or who does not timely submit any information or documents required under this Chapter or requested by the Administrator, is subject to a civil penalty as described in Subsection 16.40.260 B.
- B.** Civil penalties for late submissions will be assessed as follows:
 - 1.** If less than 10 days late, the penalty is \$50 per occurrence.
 - 2.** If more than 10 days late but less than 21 days late, the penalty is \$100 per occurrence.

3. If more than 21 days late the penalty is \$200 per occurrence and, if the information or documents are necessary for the issuance or renewal of a permit, the permit will not be issued by the City absent a showing of good cause for the delay.

16.40.270 Minimum Standards of Service for Taxicab Companies.

Permitted taxicab companies must comply with the following minimum standards:

- A. A dispatch system in operation 24 hours each day capable of providing reasonably prompt service in response to requests received by telephone.
- B. Acceptance of any request for taxicab service received from any location within the City.
- C. Service city-wide, 24 hours a day, 7 days a week. If more than 65 percent of the company's permitted taxicabs are found within a 1 mile radius of the Portland International Airport's main entrance road at any given time (not including any taxicabs at a company headquarters), a rebuttable presumption exists that the company is not providing city-wide service.
- D. A minimum fleet of 15 taxicabs.
- E. At least 2/3 of the taxicab company's permitted fleet must be utilized and in service at all times. Utilization is measured by the number of days in operation divided by a given number of days. This test will be for no fewer than 30 days.

16.40.280 Taxicab Digital Security Camera Systems.

- A. Digital security cameras are required in every permitted taxicab. Taxicab companies own the cameras and are responsible for their maintenance and the records produced by them.
- B. Taxicab companies must perform inspection and testing of the cameras according to the recommended product specifications, requirements and schedule.
- C. If a Portland Police Bureau Officer requests access to any record produced by the digital security camera systems to assist in the investigation of any crime, the taxi company must provide access thereto within 24 hours. Except as provided by Subsection 16.40.280 B., no person other than a Portland Police officer may intentionally access any record produced by the digital security camera systems.
- D. No taxicab company or driver may allow any person to intentionally access any records produced by the digital security camera systems.

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- E.** No taxicab company or driver may benefit or gain from any records produced by digital security camera systems.
- F.** No taxicab driver may tamper with, damage, disturb, remove or disable a digital security camera system in a taxicab.
- G.** Taxicab drivers must utilize the digital security camera and immediately notify the taxicab company if a digital security camera system is or appears to be damaged, stolen or inoperative.

16.40.290 Taxicab Fare Rates.

- A.** The following are the maximum rates that can be charged for the transportation of passengers in taxicabs for trips within the City limits:
 - 1.** An initial charge of \$2.50, for one passenger, and waiting time at a rate of \$30 per hour or proportionate fraction thereof;
 - 2.** Subsequent to the initial charge provided for in Subsection 16.40.290 A.1., the maximum charges may not exceed \$2.30 per mile; and
 - 3.** For each extra passenger, \$1 additional charge.
- B.** Taxi companies are authorized, per company policy, to require that passengers must use cash only to pay for fares of less than \$5. If a taxi company has such a policy in effect, it must post that policy in all taxiplated taxicabs in a manner consistent with the requirements of Subsection 16.40.290 G.
- C.** The Bureau has the authority to perform a rate study annually to determine appropriate maximum meter rates.
- D.** If there is more than one passenger during a taxi trip, the last person leaving the cab is responsible for the entire fare – regardless of when other passengers boarded or disembarked. The taximeter is started at the beginning of the trip but not again until the last passenger has arrived at that passenger's destination.
- E.** No extra charge is to be made for transporting any items belonging to a passenger if those items fit within the interior of the taxicab (including the trunk but not the front seat), provided that the items in total can be carried by the driver and/or passenger(s) in one walking trip from the vehicle to the building entrance, and each item can be carried by a single person.
- F.** No charge is to be made for time lost or distance traveled while the taxicab is disabled. No charge is to be made for traveling empty while en route to pick up a

passenger, unless the person requesting the taxicab unreasonably refuses to hire it after it arrives, in which case an amount equal to the minimum charge on file as specified in Subsection 16.40.290 A. may be charged.

- G.** A clear and complete summary of a taxi company's rate schedule must be posted in a conspicuous place in the passenger compartment of every taxicab. Every taxicab company must provide the Administrator with a copy this summary prior to posting them in the taxis. A summary of the meter rate in a form approved by the Administrator must be placed in a manner to be visible from the outside of every taxicab. If the Administrator approves a change of rate schedule upon proper filing by the taxi company, the taximeter, rate card, and rates posted must be converted for every taxicab within 30 days. The rates posted must match those used in the taximeter of any taxicab in service.

16.40.300 Wheelchair Accessible Taxicabs.

- A.** At least 20 percent of every taxi company fleet must be wheelchair accessible.
- B.** Notwithstanding Subsection 16.40.300 A., companies that participate in the Portland Accessible Cab Association Agreement (PACA) are required to have only 10 percent of their fleet wheelchair accessible.
- C.** The percentages required under this Section are calculated with respect to taxicab vehicles that are permitted by the City of Portland and not to the entire taxicab fleet if some percentage of the fleet operates outside the City. The percentages apply only to vehicles being used exclusively as taxicabs and not as specially attended transportation vehicles in conjunction with any other agency, private or government contract.
- D.** Taxi companies that participate in the PACA are required to provide wheelchair accessible taxi service within a reasonable time. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.

16.40.310 Taximeter Requirements.

- A.** Every taxicab must be equipped with a taximeter in accurate operating condition, with a lighted face that can easily be read at all times by the passenger.
- B.** Every taximeter must be inspected by a certified taximeter installer and certified at installation, at change in rate, and within 1 year of the last inspection. A certificate of inspection must be issued by a qualified taximeter repair service upon each inspection. A copy of the certificate of inspection must remain in the taxicab.

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- C.** Certificates of inspection must include:
 - 1.** The identifying number of the taximeter;
 - 2.** The make, model and license number of the taxicab in which the taximeter is installed;
 - 3.** The name of the taxicab company;
 - 4.** The date of inspection;
 - 5.** A statement that the taximeter has been inspected and approved as operating within the limits of accuracy as specified by Subsection 16.40.310 E., as well as on the basis of rates on file with the Administrator under Section 16.40.290; and
 - 6.** The signature of the individual making the certification.
- D.** Taxi companies must keep on file copies of all certificates of inspection until the taximeter is recalibrated and the certificate is no longer accurate.
- E.** Taximeters must operate within the following limits of accuracy: Plus or minus 50 feet in 1 mile and 1 second in 1 minute of waiting time.
- F.** Certificates of inspection may be examined or a taximeter re-inspected by any police officer or the Administrator at any time during normal business hours.
- G.** All taximeters must be approved by the National Type Evaluation Program (NTEP) as evidenced by a "Certificate of Conformance" issued by an authorized inspector. All taximeters must have an active NTEP Certificate of Conformance number.

16.40.320 Required Taxicab Equipment.

Every taxicab must be equipped with a top light, have seat belts for every passenger and have signage in a visible location within the taxicab that says: YOU ARE ON CAMERA. IT IS A FELONY IN OREGON TO ASSAULT A TAXICAB DRIVER.

16.40.330 Identification of Taxicab Vehicles.

- A.** Every taxicab must prominently display on both sides of the vehicle the following information:
 - 1.** the full name of the taxicab company;

2. the company-assigned taxi number;
 3. the telephone number of that company where service can be requested; and
 4. the word "taxi", "cab" or "taxicab".
- B.** Every taxicab must be painted in the colors of its company. No two taxicab companies may have the same colors.
- C.** Only vehicles with City-issued taxiplates may be equipped with a top light or taximeter, and only those vehicles may use the words "taxi", "cab" or "taxicab" anywhere on the vehicle, unless the company's legally registered name at the time this ordinance passes contains the word "cab".

16.40.340 Driver Conduct Requirements and Prohibitions.

- A.** No permitted driver shall:
1. Allow another person to use his/her driver's permit;
 2. Drive or allow another person to drive a for-hire transportation vehicle without a valid driver's license;
 3. Operate any for-hire transportation vehicle while consuming, or while under the influence of alcohol, or in a careless or reckless manner or in a manner contrary to the laws of this City or the State of Oregon;
 4. Operate any for-hire transportation vehicle while consuming, or while under the influence of illegal drugs;
 5. Operate any for-hire transportation vehicle if impaired by any legally-prescribed or over-the-counter drugs;
 6. Use a for-hire transportation vehicle in the commission of any crime;
 7. Use profane or obscene language offensive to the passenger while operating a for-hire transportation vehicle;
 8. Smoke any substance or use tobacco in any form inside a permitted vehicle, unless it is a pedicab;
 9. Allow any passenger to smoke any substance or use tobacco in any form inside a permitted vehicle, unless it is a pedicab;

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10. Defraud a passenger in any way;
 11. Be discourteous to a passenger;
 12. Refuse to issue a fully completed receipt for a fare paid if one is requested;
or
 13. Drive passengers to their destination by any other than the most direct and safe route, unless requested to do so by the passenger.
- B.** In addition to the prohibitions in Subsection 16.40.340 A. above, no taxicab driver shall:
1. Charge a fare higher than that authorized by Chapter 16.40 for passenger transportation; or
 2. Refuse to transport to his requested destination any passenger of proper demeanor who requests services or is assigned by a taxicab service company when the taxicab is not already in service, and who is able to demonstrate the ability to pay the fare.
- C.** The Administrator has the authority to investigate any and all complaints concerning possible violations of Chapter 16.40 or administrative rules adopted hereunder and to fine accordingly if a violation is found.

16.40.350 Pedicab Regulations.

Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.080, 16.40.180 or 16.40.360, pedicab drivers, companies, and vehicles are subject to the regulations and requirements found in this Chapter. Pedicab drivers, vehicles and companies are specifically exempted from the insurance requirements found in Section 16.40.410.

16.40.360 Pedicab Driver and Vehicle Requirements and Prohibitions.

- A.** Pedicab vehicles are required to satisfy the following conditions when operating between dusk and dawn:
1. Make use of working battery-powered lights;
 2. Be equipped with one headlight capable of projecting a beam of light for a distance of at least 500 feet; and

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- 3. Be equipped with two red taillights mounted on the right and left area of the pedicab's rear.
- B. No pedicab may be operated on a public sidewalk, unless it is allowed to do so pursuant to either city, county or state bicycle and tricycle traffic laws.
- C. No pedicab may use any public street, public property or right-of-way as a waiting area unless such area is a legal motor vehicle parking area or unless it is allowed to do so as a bicycle or tricycle pursuant to city, county or state traffic laws
- D. All pedicab drivers must have a valid driver's license or government-issued photo identification in their possession while in control of any pedicab.
- E. No pedicab driver may exceed the pedicab manufacturer's limits on the amount of weight the pedicab may safely carry.
- F. No bicycle or tricycle may operate as a pedicab by pulling any kind of cart, trailer or other enclosed seating contraption behind the bicycle or tricycle.
- G. Every pedicab must be:
 - 1. Kept clean;
 - 2. Kept in good appearance and good repair; and
 - 3. Kept in a safe condition.

16.40.370 Maximum Hours For Drivers.

- A. No taxi or LPT driver is allowed to drive or be on duty (in any combination thereof) for more than 14 hours in any given 24-hour period.
- B. Each taxi and LPT company must maintain hours of service records for its drivers for a period of at least 1 year from the date of the driver's last for-hire service.
- C. Both drivers and companies are subject to penalties for any violation of Section 16.40.370.

16.40.380 For-Hire Vehicle Requirements and Prohibitions.

- A. All private for-hire transportation vehicles must be:
 - 1. Kept clean;

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2. Kept in good appearance and good repair;
 3. Properly equipped, including but not limited to carrying a standard first aid kit and a fire extinguisher;
 4. Kept in a safe condition; and
 5. Equipped with all pollution control equipment originally installed by the manufacturer.
- B.** The use of tobacco products are prohibited in any for-hire transportation vehicle. Signs detailing this prohibition must be displayed in each taxi, shuttle and SAT vehicle in a form and manner as described in administrative rule.
- C.** The Administrator has the authority to demand that a for-hire vehicle be made available for inspection within 48 hours notice. Authorized City personnel have the authority to inspect any for-hire vehicle at any time if the vehicle:
1. is within the City limits;
 2. does not have a passenger inside; and
 3. is parked in the public right of way or on public property.
- D.** If the Administrator determines that the vehicle violates any provision of Section 16.40.380 A., the Administrator may issue a civil penalty and set a deadline of not less than 48 hours in which the vehicle must be in compliance. If the vehicle is not in compliance at the time of the deadline, the Administrator may suspend the vehicle permit until the violations are corrected.

16.40.390 Identification of SAT Vehicles.

All Specially Attended Transportation vehicles must prominently display on the outside of the vehicle, on both sides, the full name and telephone number of the permittee, and the words "RESERVED, NOT FOR-HIRE" on both rear doors or rear windows. All required signage must be in lettering at least 3 inches in height with proportional width and must be clearly visible at all times.

16.40.410 LPT and Taxi Insurance Requirements.

- A.** Coverages and Limits: All for-hire transportation company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:

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1. Commercial Business Insurance. Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$1,000,000 per Occurrence and \$2,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder's work under a for-hire transportation company permit.
 2. Vehicle Insurance. All for-hire company permit holders, regardless of whether the company holds title to a vehicle or not, must provide the City with a copy of a valid Commercial Auto Liability policy reflecting a Combined Single Limit of not less than 500,000 per occurrence for claims arising out of, but not limited to, bodily injury and property damage incurred from the business use of any scheduled, non-owned, and hired automobile in the course of the vehicle's use as a for-hire transportation vehicle. The Commercial Auto Liability policy must comply with the mandatory laws of the State of Oregon and/or other applicable governing bodies.
 3. Worker's Compensation and Employers Liability Insurance. The company permit holder must secure and maintain a Workers Compensation and Employers Liability policy where required by state law.
- B.** Additional Policy Conditions: Policies required under Subsections 16.40.410 A.1. and/or 16.40.410 A.2. must also contain, include, provide for or comply with the following:
1. The Commercial General Liability and Commercial Auto Liability coverage must name the City and its officers, agents and employees as additional insureds as respects to claims, in the course of the permit holder's work as a for-hire transportation company, covered by such policies;
 2. Policy coverages must be primary and non-contributory, and any insurance coverage maintained by the City must be considered excess.
 3. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
 4. The insurance policy must allow for written notice to the Administrator 30 days before any policy is canceled;
 5. The insurance policy must allow for written notice to the Administrator 30 days before a policy will expire or be reduced in coverage;

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6. All insurance companies issuing policies under this Section must carry at least an A.M. Best Company rating of A-, VIII or better; and
 7. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.
- C.** Permit Holder's Insurance Obligations. All company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:
1. The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
 2. The permit holder must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.
 3. The permit holder must file with the Bureau a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.
 4. The permit holder must keep a copy of the vehicle's proof of insurance in every for-hire vehicle.
- D.** Independent Contractors/Owner-Operators. If an independent contractor/owner-operator relationship exists with a permit holder and the independent contractors/owner-operators provide services under the permit holder's permit, then the permit holder and the City require the same insurance coverages and limits and conditions as outlined in Subsections 16.40.410 A. - C. The same certificate of liability and additional insured endorsement requirements will apply.
- E.** Alternative to Insurance Requirements. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.410 A. – C., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

16.40.420 Pedicab Insurance Requirements.

- A.** Coverages and Limits: All pedicab transportation company permit holders must obtain, comply with, and maintain the minimum levels of insurance coverage outlined below during the entire term that the permit is valid:
1. Commercial Business Insurance. Company permit holders must secure and maintain a Commercial General Liability policy reflecting limits of no less than \$500,000 per Occurrence and \$1,000,000 Aggregate for covered claims arising out of, but not limited to, Bodily Injury, Property Damage, Personal and Advertising Injury, and Contractual Liability in the course of the permit holder's work under a for-hire transportation company permit.
 2. Worker's Compensation and Employers Liability Insurance. The company permit holder must secure and maintain a Workers Compensation and Employers Liability policy where required by state law.
- B.** Additional Policy Conditions. Policies required under Subsection 16.40.420 A.1. must also contain, include, provide for or comply with the following:
1. The Commercial General Liability coverage must name the City and its officers, agents and employees as additional insureds as respects to claims, in the course of the permit holder's work as a for-hire transportation company, covered by such policies;
 2. Policy coverages must be primary and non-contributory, and any insurance coverage maintained by the City must be considered excess;
 3. The insurance limits are subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the permit's term;
 4. The insurance policy must allow for written notice to the Administrator 30 days before any policy is canceled;
 5. The insurance policy must allow for written notice to the Administrator 30 days before a policy will expire or be reduced in coverage;
 6. All insurance companies issuing policies under this Section must carry at least an A.M. Best Company rating of A-, VIII or better; and
 7. The adequacy of insurance coverage outlined in this Section is subject to the review and approval of the City Attorney's Office.

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- C.** Permit Holder's Insurance Obligations. All pedicab company permit holders must comply with the following obligations with respect to insurance reporting, updating and filing:
- 1.** The permit holder must maintain continuous, uninterrupted coverage for the duration of the permit. Any lapse in insurance coverage, even if it is later backdated by the insurance company, is subject to a civil penalty.
 - 2.** The permit holder must file a certificate of liability with the Administrator that evidences insurance coverage and terms that are in compliance with the requirements of this Section. The certificate of liability must be on a standard ACORD form or its equivalent.
 - 3.** The permit holder must file with the Administrator a copy of the insurance company-issued additional insured endorsements naming the City and its officers, agents and employees as additional insureds.
- D.** Alternative to Insurance Requirements. Alternatives to insurance, such as self-insurance, may occur only if the level of coverage and the terms, conditions and obligations meet the same or higher requirements as found in Subsections 16.40.420 A. – C., and only if the public safety and well-being is not endangered thereby. The adequacy of proposed alternative insurance coverage is subject to approval by the City Attorney's Office before such alternative insurance may become effective.

16.40.430 Financial and Operating Data.

- A.** For the purposes of investigating citizen complaints and to aid in enforcement of this Chapter, the Administrator may require a for-hire transportation company to report financial and operating data, in such form and at such times as the Administrator requires. The company must compile the necessary data and submit reports to the Administrator as requested and within the timeframe demanded subject to the requirements of this Section, but in no event must the company be forced to submit this information without at least 72 hours prior notice by the Administrator.
- B.** Except as otherwise required by law, information submitted to the Administrator under this Section can only be used within the City government. Such information may not be released to the public except in aggregate form.
- C.** Notwithstanding the provisions of Subsection 16.40.430 B., information submitted under this Section may become a matter of public record as necessary to initiate, prosecute and defend an enforcement action.

16.40.440 Reports to the Administrator.

- A.** For-hire transportation companies must report any of the following events to the Administrator within 24 hours of it becoming known by any company officer or principal managing employee:
1. The arrest or conviction for any criminal offense of any officer or principal managing employee of the company involving the operation of that company;
 2. Any accident required to be reported to the State of Oregon involving a company vehicle;
 3. The filing of any lawsuit against or on behalf of the for-hire company related to the operation of the company;
 4. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the company; and
 5. Any information required to be disclosed by Subsection 16.40.440 B that comes to the attention of a for-hire transportation company's management.
- B.** Every for-hire transportation driver must report any of the following events to the Administrator and to the driver's for-hire transportation company within 24 hours of its occurrence:
1. Any arrest, charge, or conviction of the driver for any criminal offense, or any traffic violation, that occurs during, or arises out of, the driver's operation of a for-hire transportation vehicle;
 2. Any arrest, charge or conviction of the driver for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, or any related offense;
 3. Any vehicle accident required to be reported to the State of Oregon involving any vehicle operated as for-hire transportation by the driver; and
 4. Any restriction, suspension or revocation of the driver's motor vehicle driver's license.

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16.40.450 Limousine, Executive Sedan and Taxi Logs Required.

- A.** Limousine, executive sedan and taxi transportation providers must maintain a log in either electronic or written form in which a record of every trip is kept.
- B.** Limousine and Executive Sedan Requirements. The following information is required for each trip:

 - 1. customer name;
 - 2. passenger name if different than customer name;
 - 3. date and time of initial reservation;
 - 4. date and start and end times of trip;
 - 5. initial and destination addresses; and
 - 6. the fare amount paid.
- C.** Taxi Requirements. The following information is required:

 - 1. date and time of initial reservation; and
 - 2. initial and destination addresses.
- D.** The logs must be kept in a form approved by the Administrator.
- E.** The company must retain these logs for not less than 1 year after the date of the driver's last entry.
- F.** The logs must be made available to the Administrator or other designated City staff upon request.
- G.** Except as otherwise required by law, information submitted to the Administrator under this Section can only be used within the City government. Such information may not be released to the public except in aggregate form.

16.40.460 Limousine and Executive Sedan Transportation Must Be Prearranged; Exceptions.

- A.** All limousine and executive sedan service must be provided on a prearranged basis.

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- B.** Notwithstanding Subsection 16.40.460 A., limousine and executive sedan transportation providers may operate “on demand” at the Portland International Airport if permitted to do so by the Port of Portland.
- C.** Notwithstanding Subsection 16.40.460 A., limousine and executive sedan transportation providers may operate “on demand” provided that the limousine or executive sedan company has a written contract with TriMet, the Port of Portland, a major hotel, or an airline company, in which case the limousine or executive sedan company is considered “on call” for such service requests.
- D.** If a limousine or executive sedan company wishes to be considered “on demand” as provided in Subsection 16.40.460 C., the company must comply with the following conditions:
- 1.** file with the Administrator all such contracts indicating the contracting party’s name along with the beginning and ending contracted dates, and a minimum fee of \$50.00 to the airport from the downtown is required;
 - 2.** provide the Administrator with a brief description of the service provided under the contract including the specific basis for reimbursement and schedule of fees/fares;
 - 3.** provide the Administrator with notarized signatures from all contracting parties stating that the contract is currently effective and listing the end date.; and
 - 4.** pay to the Bureau an “on demand” license fee of \$2,500 for the first vehicle and \$1,000 for each additional vehicle used to service the contract, valid for a period of 12 months from the date of the license’s issuance; and
 - 5.** transportation provided by a third party company as part of the Contract must be prearranged, in compliance with Subsection 16.40.460 A.
- E.** If a civil penalty is issued to a limousine or executive sedan company or driver because service was provided without the requisite prearranged reservation, it is no defense to assert that a valid and current contract existed at the time of the penalty but was simply not filed with the City. Limousine and executive sedan companies must file all contracts with the City prior to the acceptance of any fare “on demand”. A failure to file a contract with the City is prima facie evidence that “on demand” service does not exist with that contracting party.
- F.** If a limousine or executive sedan service provider is in a marked hotel zone or loading/unloading zone, it is a rebuttable presumption that it is providing for-hire transportation services that require a reservation.

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- G.** Hotels are liable for a civil penalty of \$500 per occurrence for every instance in which a hotel employee, agent or independent contractor allows a hotel guest to obtain limousine or executive sedan transportation services without the required 60-minute reservation. This Subsection does not apply if the limousine or executive sedan service provider has complied with the conditions found in Subsections 16.40.460 C. and D.

16.40.470 Maximum Fares for Shuttles; No Charge for Luggage.

- A.** Maximum flat rates apply for shuttles that provide for-hire transportation service between the airport and Portland's Fareless Square and/or the AMTRAK station (in either direction), whether paid by the passenger or by a third party. The maximum rates are prescribed in administrative rules.
- B.** On routes in which the maximum rates apply, shuttle operators may not charge any fee for luggage or any other allowed item that the passenger carries on board.
- C.** Rates charged for shuttle services must be at least 35 percent lower, per passenger, than the prevailing taxicab rates for the same route.

16.40.480 Minimum Fares for Limousine and Executive Sedans.

- A.** Minimum flat rates apply for limousine and executive sedans that provide for-hire transportation service between the airport and Portland's Fareless Square and/or the AMTRAK station (in either direction), whether paid by the passenger or by a third party. The minimum rates are prescribed in administrative rules.
- B.** The minimum fare requirement in Subsection 16.40.480 A. for limousine and executive sedans does not apply if the limousine or executive sedan company has a contract on file with the City pursuant to Subsection 16.40.460 C.
- C.** Rates charged for limousine and executive sedan services must be at least 35 percent higher than the prevailing taxicab rates for the same route.

16.40.490 Safety Fund.

- A.** The For-Hire Transportation Safety Fund (Safety Fund) is designed to provide adequate funding to ensure the safety of both the riding public and the for-hire transportation drivers.
- B.** The Bureau administers the Safety Fund. The Bureau has the authority to determine appropriate expenditures of the Safety Fund for driver, passenger and vehicle safety improvements for the industries regulated by Chapter 16.40.

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- C. The Safety Fund is funded by revenues generated by permit, decal and taxiplate fees.
- D. The Bureau will disperse Safety Fund revenues only by grant, with the grant process outlined in administrative rule. Utilization of digital security camera system grants by taxicab companies is restricted to the cost of purchase of digital security camera systems plus an amount sufficient to subsidize installation of the cameras as determined by the Board.

16.40.500 Compliance with Federal, State and Local Laws.

Any for-hire transportation company, driver or vehicle that is not in compliance with all federal, state or local laws relating to “for-hire transportation” services is likewise not in compliance with Chapter 16.40, and is subject to penalties, suspension or revocation.

16.40.510 Prior Board Orders of No Effect.

Any Board Order, Board Rule or Board Regulation in effect prior to the passage of this ordinance has no legal effect and is hereby repealed.

16.40.520 Administrative Rule Authority and Process.

- A. The Director may implement procedures, forms and written policies for administering the provisions of Chapter 16.40.
- B. The Board may adopt administrative rules for administering the provisions of Chapter 16.40 under the authority granted to it in Section 16.40.050.
- C. Before a rule is adopted, the Director must first provide notice of the proposed rule to the public in a manner reasonably calculated to accomplish such notice. The notice must include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.
- D. In addition to the general notice required in Subsection 16.40.520 C., the Director must also announce the proposed rule at a regularly-scheduled Board meeting (the “Announcement Meeting”) prior to the meeting in which public testimony will take place (the “Testimony Meeting”). At the Announcement Meeting, the Director will provide a copy of the proposed rule to anyone in attendance that so requests, and the Director will announce the date and time of the Testimony Meeting. The Testimony Meeting must take place no less than 14 days or more than 75 days from the Announcement Meeting.

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- E.** At the Testimony Meeting, the Board will receive oral and written testimony concerning the proposed rule. Upon completion of the public testimony, the Director may then choose, at the Director's sole discretion, to either:
- 1.** move that the Board adopt the proposed rule as originally proposed;
 - 2.** move that the Board adopt a slightly modified version of the originally propose rule;
 - 3.** move that a substantially modified version of the originally proposed rule be considered at a later Board Meeting and with additional public testimony; or
 - 4.** withdraw the proposed rule altogether and allow no further vote on it.
- F.** If no Board member seconds the Director's motion under Subsections 16.40.520 E.1. - E.3. above, then the proposed rule does not take effect. Only the Director can make the motion to adopt a proposed rule.
- G.** If a Board member seconds the Director's motion to adopt the proposed rule under Subsections 16.40.520 E.1. or E.2., the Board will then consider and discuss the proposed rule, taking into account any public testimony received. Upon completion of the Board's discussion, the Director will then call for a vote on the proposed rule. If a majority of the Board votes to adopt the rule, it is thereby adopted.
- H.** If a Board member seconds the Director's motion under Subsection 16.40.520 E.3., then additional public review must be conducted, but no additional public notice is required if an announcement is made at the Testimony Meeting of a future hearing for a date, time and place certain at which the substantially modified rule will be discussed. After the additional testimony is received at the future hearing date, the proposed rule will be subject to the discussion, testimony and voting procedures found Subsections 16.40.520 E. - G.
- I.** Unless otherwise stated, all rules are effective upon adoption by the Board. All rules adopted by the Board will be filed in the Bureau's office. Copies of all current rules will be made available to the public upon request.
- J.** Notwithstanding Subsections 16.40.520 C. and D., the Director may adopt an interim rule without prior public notice or Board action upon a finding that a failure to act promptly will likely result in prejudice to the public interest or the interest of the affected parties. If the Director adopts a rule under this Subsection, the Director must state the specific reasons for such prejudice. Any interim rule

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adopted pursuant to this Subsection is effective for a period of not longer than 120 days.

- K.** Administrative Rules adopted by the Board have the same force and effect as any other provision of Chapter 16.40. To the extent that any administrative rule conflicts with the provisions of Chapter 16.40, Chapter 16.40 will control and prevail.

16.40.530 Civil Penalties.

- A.** Any civil penalty assessed must be paid in full within the time ordered and under the terms and conditions specified. If either the payment is not made or the required conditions are not met, the penalty will become a suspension, which will take effect immediately upon the deadline given for payment of the civil penalty. The suspension will remain in effect until the penalty is paid in full and/or the conditions required are met.
- B.** Unless a specific civil penalty amount is prescribed by any Section of this Chapter, penalties for specific code and administrative rule violations are found in the Civil Penalty Table in Section 16.40.540. Any violation of a code Section that is not found in the Civil Penalty Table and which is not specifically prescribed by a code Section, but which places an obligation or requirement on a driver or company, will result in a penalty of \$100 for the 1st violation, \$500 for the 2nd violation and \$1,000 for 3rd violation.

16.40.540 Civil Penalty Table.

- A.** The following table outlines the penalties that will be assessed for a violation of the specific code Sections listed.

Code Section	Requirement	1st Offense	2nd Offense	Subsequent Offenses
16.40.070 D.	Fuel Surcharge Sticker	\$50	\$100	\$500
16.40.080 A.	Driver Permit	\$500	\$1,000	\$2,500
16.40.090 A.	Driver Permit	\$500	\$1,000	\$2,500
16.40.100 E.	Business License	\$250	\$500	Suspension
16.40.130 A.	LPT Company Permit	\$1,000	\$1,500	\$3,000
16.40.150 A.	Taxi Company Permit	\$1,000	\$1,500	\$3,000
16.40.180 A.	Pedicab Decal	\$250	\$500	\$1,000
16.40.190 A.	LPT Decal	\$500	\$1,000	\$2,500
16.40.190 B.	Taxiplate	\$500	\$1,000	\$2,500

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16.40.210 C.	Taxi Conditions	\$500	Suspension	Revocation
16.40.220 B. - D.	Decal/Taxiplate	\$250	\$500	\$1,000
16.40.220 E.	Substitute Vehicle	\$500	\$1,000	\$2,500
16.40.240 A.	Decal/Taxiplate Interest	\$1,500	Suspension	Revocation
16.40.270	Minimum Standards	\$500	\$1,000	\$2,000
16.40.280	Security Camera	\$500	\$1,000	\$2,000
16.40.290 A.	Taxi Fare	\$1,500	Suspension	Revocation
16.40.290 D. - F.	Fares	\$500	\$1,000	Suspension
16.40.300 A.	Wheelchair	\$500	\$1,000	Suspension
16.40.310	Taximeter	\$500	\$1,000	\$1,500
16.40.320	Required Equipment	\$500	\$1,000	Suspension
16.40.330	Identification	\$500	\$1,000	Suspension
16.40.340	Driver Conduct	\$500	Suspension	Revocation
16.40.360	Pedicab Requirements	\$200	\$500	Suspension
16.40.370	Maximum Hours	\$500	\$1,000	Suspension
16.40.380 A.- B.	Vehicle Requirements	\$200	\$500	\$1,500
16.40.380 C.	Vehicle Inspection	\$500	\$1,000	Suspension
16.40.390	SAT ID	\$500	\$1,000	Suspension
16.40.400	Wheelchair SATs	\$500	\$1,000	Suspension
16.40.410 A.	Insurance	\$1,000	Suspension	Revocation
16.40.420 A.	Pedicab Insurance	\$1,000	Suspension	Revocation
16.40.430	Financial Data	\$250	\$500	Suspension
16.40.440	Reports to Administrator	\$250	\$500	\$1,500
16.40.450 A.	Logs Required	\$500	\$1,000	Suspension
16.40.450 B. - E.	Log Entries	\$100	\$250	\$500
16.40.450 F.	Log Availability	\$500	\$1,000	Suspension
16.40.460	Prearranged	\$500	\$1,000	Suspension
16.40.470	Maximum Fares	\$500	\$1,000	Suspension
16.40.480	Minimum Fares	\$500	\$1,000	Suspension

- B.** Offenses are measured by a period of 36 months. Offenses for the same violation that occur more than 36 months apart from each other are not considered “subsequent” offenses for purposes of them being the “second”, “third”, etc, offense.
- C.** Nothing in this Section prohibits the Bureau from suspending or revoking any permit, decal or taxiplate after a third offense for the same violation.

16.40.550 Company and Driver Permit Suspension and Revocation.

- A.** Suspension. Any permit, decal or taxiplate issued under Chapter 16.40 may be suspended by the Administrator if the Administrator finds reasonable grounds to believe that any of the following apply:
1. A temporary suspension is necessary to protect the public safety;
 2. The permittee's insurance is not current; or
 3. The permittee has failed to fully pay a civil penalty when due and the permittee did not file a timely appeal.
- B.** Revocation. Any permit, decal or taxiplate issued under Chapter 16.40 may be revoked by the Administrator if the Administrator finds reasonable grounds to believe that any of the following apply:
1. The revocation is necessary to protect the public safety;
 2. The permittee did not comply with the terms and conditions of a temporary suspension;
 3. The permittee is found operating as a for-hire company or driver while on suspension;
 4. A taxi driver permittee has fraudulently altered the calibration of the driver's taximeter;
 5. The permittee provides either the City, an insurance agent or an insurance carrier with materially false information regarding vehicle insurance; or
 6. The permittee has incurred a total of five penalties and/or temporary suspensions during any consecutive twelve-month period.
- C.** Simultaneous Revocation. In the event that a for-hire transportation company permit is revoked, all vehicle decals and/or taxiplates assigned to that company are simultaneously revoked and void.
- D.** Notice Requirements for Suspensions. If the Administrator has reasonable grounds to impose a suspension based on any factor found in Subsection 16.40.550 A., the Administrator will send a "Notice of Proposed Suspension" to the permittee by both regular and certified mail (return receipt requested) at the

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address listed in the permittee's application form. The written notice must include the following:

1. the Administrator's findings concerning the alleged violation;
2. notice that alleged violator has 10 days from the date of the letter in which to file a written response to the Administrator if the permittee denies that any violation has occurred;
3. the terms, conditions and timeframe of the proposed suspension;
4. notice that a failure to comply with the terms and conditions may result in a revocation of the permit; and
5. the permittee's appeal rights.

E. Notice Requirements for Revocations. If the Administrator has reasonable grounds to revoke a permit based on any factor found in Subsection 16.40.550 B., the Administrator will send a "Notice of Proposed Revocation" to the permittee by both regular and certified mail (return receipt requested) at the address listed in the permittee's application form. The written notice must include the following:

1. the Administrator's findings concerning the alleged violation;
2. notice that alleged violator has 10 days from the date of the letter in which to file a written response to the Administrator if the permittee denies that any violation has occurred; and
3. the permittee's appeal rights.

F. Actual Notice Presumed. Actual notice of the proposed suspension or revocation is presumed after 5 days of mailing the notices described in Subsections 16.40.550 D. and E. above.

G. Effective Date of Suspensions and Revocations. Suspensions and revocations are effective as provided in Subsections 16.40.550 D. and E., except that they are effective immediately if the Administrator finds reasonable grounds to believe that:

1. A permittee is not covered by liability insurance as required by Sections 16.40.410 or 16.40.420; or,
2. Continued operation by the permittee would cause, or is likely to cause, danger to the public health or safety.

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- H.** Suspension Length. If the suspension resulted from the failure to pay a civil penalty or due to an ongoing code violation, the suspension continues until the penalty is paid or the violation is corrected. If no correction or payment is made within 60 days from the date that the suspension became effective, the suspension becomes a revocation. In all other cases, the suspension will be for a specific number of days and will end automatically with no further required action from the City or permittee.
- I.** Right to a Stay. Suspensions and revocations are stayed if a timely appeal is filed, unless the grounds for suspension or revocation relate to public safety issues, in which case there is no right to a stay.
- J.** Renewal Not Allowed After Revocation or During Suspensions. Permits, decals and taxiplates that have been revoked during their term are not renewable. Permits, decals and taxiplates that are in suspended status at the time of renewal are not renewable unless the suspension is for a specific number of days. Drivers and companies whose permits, decals or taxiplates were not renewable due to a prior revocation or suspension are required to successfully complete the initial application process to obtain another permit, decal or taxiplate.

16.40.560 Criminal Penalties.

- A.** It is unlawful to tamper with a taximeter or to conduct any fraudulent scheme with the intent to charge any person a fare greater than that allowed by Chapter 16.40.
- B.** Any violation of Subsection 16.40.560 A. is punishable upon conviction by a fine of not more than \$1,000 or imprisonment for not more than 6 months or both.

16.40.570 General Appeals.

- A.** Civil Penalties. Any person or entity assessed a civil penalty may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.
- B.** Permit/Decal/Taxiplate Denials, Suspensions and Revocations; Exception.
 - 1.** Any person or entity whose permit, decal or taxiplate application is denied, or whose permit, decal or taxiplate is suspended or revoked, may appeal that decision to the Code Hearings Officer under the provisions of Chapter 22.10.
 - 2.** If the suspension is due to a failure to timely pay a civil penalty when due, then the underlying reasons for the civil penalty may not be appealed to the Code Hearings Officer. In that situation, the person or entity may only

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appeal to the Code Hearings Officer to determine if the Bureau properly followed the notice requirements found in Section 16.40.550.

- C.** Limit on Number of LPT Vehicles. If the number of LPT vehicles for a particular LPT industry is capped by administrative rule, then any LPT company whose application to the Board for more LPT vehicles is denied may appeal that decision to the Code Hearings Officer pursuant to the provisions of Chapter 22.10, but only for the purpose of determining if the Bureau and the Board followed the appropriate procedures. The Code Hearings Officer may not review any factual determinations made by the Bureau or Board.
- D.** Stays. If a timely appeal is made pursuant to this Section, the action appealed from is stayed pending the outcome of the appeal. This includes any civil penalty payment, suspension or revocation.

16.40.580 Appeals Regarding Taxicab Limits.

- A.** Any taxicab company aggrieved by a decision of the Board pursuant to Section 16.40.210 may appeal such action to the City Council by filing a written notice of appeal to the Bureau within 10 days of the Board's decision. The Bureau will then forward that request to the City Auditor within 5 business days.
- B.** Within 60 days of receiving the Bureau's notice, the City Auditor will:
 - 1.** set the time for the appeal to be heard by the City Council;
 - 2.** place the hearing of the appeal upon the calendar of the Council; and
 - 3.** notify the appealing taxi company and the Administrator of the time set no less than 10 days prior to that time.
- C.** The appealing taxi company may appear personally via a company representative and/or by counsel and present such facts and arguments as may tend to support the appeal.
- D.** The Bureau will provide Council with a staff report outlining the Board's decision and the reasons therefore. The Director or his/her designee must be present at the hearing, representing the Board, to answer any questions that Council may have regarding the Board's decision.
- E.** The Council will uphold the Board's decision, reverse it, or modify it to allow more taxicabs with any conditions that the Council deems appropriate. If no Council action is taken within 60 days, the appeal is deemed denied. The Council's decision may not be appealed to the Code Hearings Officer.

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16.40.590 Fee Table.

- A.** The following table outlines the fee costs associated with this Chapter.

PERMIT and APPLICATION FEES				
PERMIT TYPE	APPLICATION (nonrefundable)	INITIAL PERMIT	RENEWAL	REPLACEMENT
Taxi/LPT Driver	\$100	\$100	\$100	\$25
Pedicab Driver	\$25	\$25	\$25	\$10
LPT Company	\$250	\$500	\$500	\$75
Taxi Company	\$250	\$1,250	\$500	\$75
Pedicab Company	\$100	\$125	\$125	\$75
Vehicle	N/A	\$225	\$180	\$75
Pedicab	N/A	\$25	\$25	\$10
GENERAL FEES				
Moving Decals or Taxiplates to Another Vehicle		\$150		
Temporary Decals During Vehicle Repair		\$25		

- B.** Fees are rounded up to a full monthly rate when being prorated for any particular decal, taxiplate or permit, regardless of what date of the month the fee is actually paid on.
- C.** For the purposes of this Fee Table Schedule, pedicabs are not considered to be LPT vehicles and are treated separately.

16.40.600 Currently Permitted Companies, Vehicles and Drivers Grandfathered; Renewal Process.

- A.** All companies, vehicles and drivers that are currently permitted by the City on the date that this ordinance passes do not need to reapply for new permits upon

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passage of the ordinance, but must otherwise adhere to all the requirements as found in this Chapter.

- B.** As of January 1, 2010, all previously permitted companies, vehicles and drivers must comply with all provisions of this Chapter, regardless of their permit, decal or taxiplate expiration date. All companies, vehicles and drivers are required to obtain new permits, decals and taxiplates by January 1, 2010.
- C.** To achieve the goal of staggered renewal dates, the Board may by administrative rule require that the initial permit term of some permittees be for less than the 12 month term required under this Chapter. The fees associated with any permit terms that are less than the 12 month requirement will be prorated as necessary to reflect the shorter permit duration.
- D.** Notwithstanding 16.40.600 A., all drivers that are currently permitted by the City on the date this ordinance passes must satisfy the customer service, knowledge and skills tests outlined in 16.40.090 F. – G. no later than December 31, 2010.

16.40.610 Severability.

If a court of law finds any provision of this Chapter invalid or unenforceable as to any person, business or circumstance, then that provision is considered severed from this Chapter. The severed provision has no effect on the remainder of the Chapter or its application to other persons, businesses and circumstances.

Chapter 16.48

TAXICAB REGULATIONS

(Added by Ord. No. 139316; new Chapter
substituted by Ord. No. 147243; repealed by
165189, reinstated by 165522, and repealed by 165947, Oct. 28, 1992.)

Chapter 16.50

MASS TRANSIT

Sections:

- 16.50.001 Purpose.
- 16.50.100 Designation of Transit Lanes.
- 16.50.110 Designation of the Transit Mall and Auxiliary Vehicular Lanes.
- 16.50.200 Prohibited Use of Transit Lanes, Transit Mall and Auxiliary Vehicular Lanes.
- 16.50.300 Vehicles Allowed In Transit Lanes, Auxiliary Vehicular Lanes and on the Transit Mall.
- 16.50.400 Vehicles Allowed in Non Transit Mall Transit Lanes During Certain Hours.
- 16.50.410 Vehicles Allowed on the Transit Mall and Auxiliary Vehicular Lanes by Permit.
- 16.50.500 Regulation and Permit Procedure.

16.50.001 Purpose.

(Amended by Ordinance No. 182921, effective June 17, 2009.) This section describes how mass transit lanes, the Transit Mall and Auxiliary Vehicular Lanes are designated, the regulations that apply, and which vehicles may use them.

16.50.100 Designation of Transit Lanes.

(Amended by Ordinance No. 182921, effective June 17, 2009.) Designation of transit lanes, excluding the Transit Mall and Auxiliary Vehicular Lanes separately designated herein will be made by the City Traffic Engineer upon advice of the City Engineer and the Tri-County Metropolitan Transportation District of Oregon (TriMet). Designation will be shown by official signs or markings. Signs or markings will distinguish whether the transit lane may be used by:

- A. Bus only;

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- B.** Light rail vehicle only;
- C.** Trolley or streetcar vehicle; or
- D.** Carpool vehicle only; or some combination of the above.

16.50.110 Designation of the Transit Mall and Auxiliary Vehicular Lanes.

(Added by Ordinance No. 182921, effective June 17, 2009.) The Transit Mall is hereby designated to be that portion of 5th Avenue and 6th Avenue between NW Irving Street and SW Jackson Street including NW Irving Street between NW 5th Avenue and NW 6th Avenue, and SW Morrison and Yamhill Streets between SW 4th Avenue and SW Broadway specifically designated with official signs or marking for the use of transit vehicles. The automobile lanes on 5th Avenue, 6th Avenue, NW Irving Street, SW Morrison Street and SW Yamhill Street adjacent the Transit Mall are hereby designated as Auxiliary Vehicular Lanes for purposes of this Section.

16.50.200 Prohibited Use of Transit Lanes, Transit Mall and Auxiliary Vehicular Lanes.

(Amended by Ordinance No. 182921, effective June 17, 2009.)

- A.** Except as otherwise provided for in this Section, no vehicle may enter upon, park on, or use an officially designated transit lane, or the Transit Mall.
- B.** Restrictions on transit lane use will vary depending on whether the lane is designated for light rail, motor bus, trolley, or carpool use.
- C.** Except as otherwise provided for in this Section, no vehicle may stop or park on Auxiliary Vehicular Lanes except vehicles acting in compliance with law, or at the direction of a police officer or a control device or Multnomah County prisoner transfer vehicles actively transferring people.
- D.** Except vehicles may cross the Transit mall to ingress or egress the following driveways provided that the vehicles shall obey all applicable traffic control devices:
 - 1.** The driveway located on the west side of SW 5th Avenue immediately south of SW Jefferson Street.
 - 2.** The first two driveways located on the west side of SW 5th Avenue immediately north of SW College Street.
 - 3.** The driveway located on the west side of SW 5th Avenue immediately south of SW Harrison Street.

16.50.300 Vehicles Allowed In Transit Lanes, Auxiliary Vehicular Lanes and on the Transit Mall.

(Amended by Ordinance Nos. 182921 and 183979, effective August 13, 2010.) The following vehicles may enter upon, stop or park in a transit lane or the Transit Mall:

- A. A vehicle owned or operated by the Tri-County Metropolitan Transportation District of Oregon.
- B. A vehicle so allowed by the terms of a maintenance contract with the City of Portland or TriMet or City Transportation maintenance crews engaged in maintenance.
- C. A police, fire, ambulance, or outpatient vehicle, if performing emergency services.
- D. A vehicle and equipment engaged in emergency response:
 - 1. Towing;
 - 2. Snow removal; or
 - 3. Street, sewer, utility, bus or fire alarm repair.
- E. Street Car.

16.50.400 Vehicles Allowed in Non Transit Mall Transit Lanes During Certain Hours.

(Amended by Ordinance Nos. 173627, 182389 and 182921, effective June 17, 2009.)

- A. A vehicle may enter upon and park in a transit lane if the lane is closed by a street closure permit from the City Engineer per Title 17 and if the vehicle is specifically authorized to do so by the street closure permit.
- B. A vehicle with a travel lane parking permit (16.20.550) or an angle loading permit (16.20.540) may park in a transit lane if authorized to do so by the permit.
- C. A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use except during the following hours: 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday, after giving notification as required by regulations governing the Special Traffic Control District (17.23.050).
- D. A public utility or construction vehicle engaged in work on or adjacent to a transit lane may enter upon, park, and use transit lanes designated for bus-only use

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between the hours of 7 a.m. to 9 a.m. and/or 4 p.m. to 6 p.m., Monday through Friday, when specifically allowed during this time by a permit from the City Traffic Engineer. The City Traffic Engineer will notify Tri-Met and the City Engineer before issuing such a permit.

- E.** A vehicle requiring direct access to properties facing a transit lane for ingress/egress or special loading may enter upon and use (but not park in) the transit lane(s) between 7 p.m. and 6 a.m. A permit from the City Traffic Engineer is required for this access between 6 a.m. and 7 p.m.
- F.** A taxicab, for hire vehicle, delivery vehicle, maintenance vehicle, or garbage truck may enter certain transit lanes during times established by the Bureau of Transportation's Administrative Rules.

16.50.410 Vehicles Allowed on the Transit Mall and Auxiliary Vehicular Lanes by Permit.

(Added by Ordinance No. 182921; Amended by Ordinance No. 183979, effective August 13, 2010.)

- A.** A public utility or construction vehicle engaged on or adjacent to the Transit Mall may enter upon, park and use the Transit Mall and/or the Auxiliary Vehicular Lanes if the Transit Mall and/or Auxiliary Vehicular Lanes are closed by permit from the City Engineer per Title 17, or TriMet access permit, and the vehicle is specifically authorized to do so by the permit.
- B.** Except in the case of emergency and as otherwise provided for herein, the City Engineer shall not issue permits for the use of Auxiliary Vehicular Lanes between the hours of 6:00 AM and 7:00 PM Monday through Friday. The City Engineer may issue permits for Saturday and/or Sunday, but permits shall not be short term closures as required for operational safety of the service provider and shall not interrupt TriMet service.
 - 1.** "Emergency" shall mean any unscheduled repair of existing facilities which must be accomplished immediately to protect the life, health and well being of the public, or to protect public or private property. Under this definition, "emergency" work shall encompass only immediately required repairs and shall not include extensive replacement or upgrading of the facility.
- C.** The City Engineer may issue permits for the use of Auxiliary Vehicular Lane on SW 6th Avenue between SW Taylor and SW Morrison Streets to accommodate events permitted and authorized by Pioneer Courthouse Square, Inc. as may be deemed appropriate in the judgment of the City Engineer.

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- D.** All permits shall include a traffic control plan approved by the City Engineer and Tri-County Metropolitan Transportation District of Oregon (TriMet).

16.50.500 Regulation and Permit Procedure.

- A.** The Traffic Engineer must notify the Tri-County Metropolitan Transportation District of Oregon of any rule, regulation or permit proposed to be issued under this chapter. The rule, regulation or permit will become effective on a date agreed upon by both parties. In the event of disagreement between Tri-Met and the Traffic Engineer, the City Council will determine whether the rule be adopted or the permit issued based upon the amount of interference to mass transit operations.
- B.** No limitation or prohibition of use herein applies to vehicles on a street intersecting or crossing a transit lane unless it is specifically designated as a transit lane.

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Chapter 16.60

MOTOR VEHICLE FUELS

(Added by Ordinance No. 180313,
effective August 11, 2006.)

Sections:

- 16.60.010 Definitions.
- 16.60.020 Biofuel Requirements.
- 16.60.025 Additional Regulation in the 122nd Avenue Subdistrict.
- 16.60.030 Exemptions.
- 16.60.040 Enforcement and Notice of Violation.
- 16.60.050 Penalties.
- 16.60.060 Disclosure.
- 16.60.070 Additional Regulations.

16.60.010 Definitions.

(Amended by Ordinance No. 180671, effective January 12, 2007.) As used in this Chapter, the following terms shall be defined as provided in this section:

- A.** “B5 Fuel” means a fuel mixture consisting of 5% Biodiesel and 95% Diesel Fuel.
- B.** “B10 Fuel” means a fuel mixture consisting of 10% Biodiesel and 90% Diesel Fuel.
- C.** “B20 Fuel” means a fuel mixture consisting of 20% Biodiesel and 80% Diesel Fuel.
- D.** “Biodiesel blend stock” means 100% biodiesel fuel utilized for the purpose of blending with diesel fuel.
- E.** “Biodiesel fuel” means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet the registration requirements for fuels and fuel additives established by the federal Environmental Protection Agency and standards established by the American Society of Testing and Materials (ASTM).
- F.** “Biofuel” means any fuel that is derived from plant or animal matter that meets the registration requirements for fuels and fuel additives established by the federal Environmental Protection Agency and standards established by the American Society of Testing and Materials (ASTM) as determined by the Director of the Bureau of Development Services under Section 16.60.020.D. For the purposes of this Chapter, Biofuel shall include Biodiesel and Ethanol.

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- G.** “Diesel” means petroleum based liquid that is suitable for use as a fuel in diesel powered vehicles.
- H.** “E10” means a fuel mixture of 10% ethanol and 90% gasoline.
- I.** “Ethanol” means ethyl alcohol, a flammable liquid used or sold for the purpose of blending or mixing with gasoline.
- J.** “Feedstock” means the plant or animal matter from which a biofuel is derived.
- K.** “Fuel” means all gasoline or diesel sold within the City of Portland for the purpose of operating motor vehicles on public roadways.
- L.** “Fuel distributor” means a person that causes the transportation or storage of fuel at any point between a refinery or importer’s facility and any retail outlet or wholesale purchaser-consumer within the City of Portland.
- M.** “Gasoline” means any fuel sold for use in spark ignition engines.
- N.** “Motor Vehicle” means every inanimate vehicle which is self-propelled. For the purposes of this Chapter, the definition of motor vehicle shall not include aircraft, watercraft, or locomotives.
- O.** “Nonretail dealer” means any person who owns, operates, controls or supervises an establishment at which motor vehicles fuel is dispensed through a car or key-activated fuel dispensing device to nonretail customers.
- P.** “Reseller” means a person who purchases fuel and resells or transfers it to a retailer or wholesale purchaser-consumer within the City of Portland.
- Q.** “Retail outlet” means any establishment within the City of Portland at which fuel is sold or offered for sale to the ultimate consumer for use in motor vehicles.
- R.** “Retailer” means any person who owns, leases, operates, controls or supervises a retail outlet within the City of Portland.
- S.** “Wholesale purchaser-consumer” means any organization within the City of Portland that is an ultimate consumer of fuel, and which purchases or obtains diesel or gasoline from a fuel distributor or reseller for use in motor vehicles, and receives delivery of that product into a storage tank or directly into a vehicle’s tank.

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16.60.020 Biofuel Requirements.

(Amended by Ordinance No. 180671, effective January 12, 2007.)

A.

1. On and after July 1, 2007, all diesel fuel sold by fuel distributors or resellers to fuel retailers, nonretail dealers or wholesale purchaser-consumers within the City of Portland shall contain a minimum blend of 5% Biodiesel (B5 fuel).
2. On and after August 15, 2007, all diesel fuel sold by fuel retailers, dispensed by nonretail dealers or purchased by wholesale purchaser-consumers within the City of Portland shall contain a minimum blend of 5% Biodiesel (B5 fuel).

B.

1. On and after July 1, 2010, all diesel fuel sold by fuel distributors or resellers to fuel retailers, nonretail dealers or wholesale purchaser-consumers within the City of Portland shall contain a minimum blend of 10% Biodiesel (B10 fuel).
2. On and after July 1, 2010, all diesel fuel sold by fuel retailers, dispensed by nonretailer dealers or purchased by wholesale purchaser-consumers within the City of Portland shall contain a minimum blend of 10% Biodiesel (B10 fuel).

C.

1. On and after September 16, 2007, all gasoline sold by fuel distributors or resellers to fuel retailers, nonretail dealers or wholesale purchaser-consumers within City of Portland shall contain a minimum blend of 10% ethanol (E10 fuel). This requirement shall remain in effect on a year round basis.
2. On and after November 1, 2007, all gasoline sold by fuel retailers, dispensed by nonretailer dealers or purchased by wholesale purchaser-consumers within City of Portland shall contain a minimum blend of 10% ethanol (E10 fuel). This requirement shall remain in effect on a year round basis.

- D.** The Director of the Bureau of Development Services shall establish, and revise as necessary, standards for biofuels sold in the City of Portland. The Director shall consult specifications established for biofuels by the American Society for

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Testing and Materials, the Oregon Department of Agriculture or similar specifications, in forming its standards.

- E.** Biodiesel produced from a feedstock of palm oil may not be used to satisfy the requirements of this Chapter.
- F.** The Bureau of Development Services shall study and monitor biodiesel production, use and sales in Oregon and in the City of Portland. When the production of biodiesel from Oregon grown feedstock and used cooking oil reaches a level of at least two million five hundred thousand gallons on an annualized basis for at least three months, the Bureau of Development Services shall notify all fuel distributors, resellers, retailers, nonretail dealers and wholesale-purchaser consumers that:
 - 1.** The production of biodiesel from Oregon grown feedstock and used cooking oil has reached the level described above; and
 - 2.** That three months from the date of the notice, all biodiesel used for the purposes of satisfying the requirements of this Chapter shall contain a minimum of 50% (by volume) of biodiesel produced from used cooking oil and/or feedstock from the Genera Brassica, Camelina, Helianthus or Carthamus.
- G.** Fuel retailers shall be required to conspicuously place signage denoting the type of biofuel mixture available for sale by the fuel retailer in accordance with the labeling guidelines or rules established by the Oregon Department of Agriculture. For example, B5 fuel shall be labeled "B5 Biodiesel Blend."

16.60.025 Additional Regulation in the 122nd Avenue Subdistrict.

(Added by Ordinance No. 180372; amended by Ordinance 180671, effective January 12, 2007.) Effective July 1, 2007, in the 122nd Avenue subdistrict of the East Corridor plan district, all fuel vendors established under the provisions of Subsection 33.521.300. F. of Title 33, Planning and Zoning, must sell a minimum blend of 20% Biodiesel (B20 fuel) at one or more pumps.

16.60.030 Exemptions.

(Amended by Ordinance No. 180671, effective January 12, 2007.)

- A.** Any retailer who offers a biodiesel blend of 20% (B20 fuel) or greater shall be exempt from the requirements of Section 16.60.020 (A) and (B), and may also provide for sale, on the same site or a contiguous site, diesel fuel which does not contain biodiesel.

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- B.** The Director of the Bureau of Development Services may temporarily suspend or modify the minimum biofuel content requirements of this Chapter based on a determination that such requirements are temporarily infeasible due to economic or technical circumstances. The Director's determination shall be made by filing a report with the City Council.
- C.** The requirements of this Chapter do not apply to fuel used for the operation of railroad locomotives, watercraft or aircraft.
- D.** Nothing in this Chapter is intended to prohibit the production, sale, or use of motor fuel for use in federally designated flexibly fueled vehicles capable of using up to eighty-five percent ethanol fuel blends.

16.60.040 Enforcement and Notice of Violation.

(Amended by Ordinance No. 180671, effective January 12, 2007.)

- A.** The Director of the Bureau of Development Services, or designee, upon determining that a violation of this code or regulations duly adopted pursuant to this Chapter has occurred, shall issue a written notice of the violation by certified mail to the fuel distributor, reseller or retailer identifying the violation and applicable penalty.
- B.** The fuel distributor, reseller or retailer shall, upon receipt of a notice of violation, correct the violation and pay to the City the stated penalty or appeal the finding of a violation to the Code Hearings Officer within 10 days of receipt of the notice.
- C.** A determination issued pursuant to Section 16.60.040.A may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of City Code.

16.60.050 Penalties.

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

- A.** A fine of up to \$5,000 for the first violation;
- B.** A fine of up to \$10,000 for each subsequent violation.

16.60.060 Disclosure.

(Amended by Ordinance No. 180671, effective January 12, 2007.) For all sales of biofuels blended products by fuel distributors or resellers for the purposes of meeting this Chapter, the distributor or reseller must provide a bill of lading or shipping manifest disclosing biofuel content, stating volume percentage, gallons of biofuel per gallon base stock, or an "Bxx" or "Exx" designation where "xx" denotes the volume percent biofuel included in the blended product, and the feedstock from which the biofuel was derived.

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16.60.070 Additional Regulations.

(Amended by Ordinance No. 180671, effective January 12, 2007.)

- A.** The Bureau of Development Services is authorized to promulgate administrative rules and take other actions reasonable and necessary to enforce this Chapter.

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Chapter 16.65

FUNERAL PROCESSIONS

(New Chapter added by Ordinance No.
176022, effective November 16, 2001.)

Sections:

16.65.010 Funeral Processions.

16.65.010 Funeral Processions.

As used in this Section, funeral procession means four or more motor vehicles accompanying the body of a deceased person in the daytime, when each of such vehicles has its headlights lighted.

- A.** Pedestrians and the operators of all vehicles, except emergency vehicles, must yield the right-of-way to each vehicle which is a part of a funeral procession. Whenever the lead vehicle in the funeral procession lawfully enters an intersection, the remainder of the vehicles in such a procession may continue to follow such lead vehicle through the intersection notwithstanding any traffic control device or right-of-way provisions prescribed by statute or ordinance, provided the operator of each vehicle exercises due care to avoid colliding with any other vehicle or pedestrian upon the streets or highway.
- B.** No person may operate any vehicle as part of a funeral procession without having the headlights of such vehicle lighted.
- C.** No operator of a vehicle may drive between vehicles in a funeral procession which are properly identified while the procession is in motion, except when directed to do so by a police officer.

Chapter 16.70

MISCELLANEOUS REGULATIONS

Sections:

16.70.001	Purpose.
16.70.200	Pedestrians.
16.70.210	Must Use Crosswalks.
16.70.220	Must Cross at Right Angles.
16.70.230	To Obey Directions of School Traffic Patrol and Crossing Guard.
16.70.240	Bridge Railings.
16.70.300	Bicycles.
16.70.310	Persons Riding Bicycles to Obey Traffic Regulations.
16.70.320	Operating Rules.
16.70.330	Impounding Bicycles.
16.70.340	Renting Bicycles.
16.70.400	Other Transportation.
16.70.410	Roller Skates and Skateboards.
16.70.430	Train Switching Prohibited in Certain Areas
16.70.450	Off Street Parking Required for Trucks.
16.70.500	Traffic Regulations.
16.70.510	Trespassing - Leaving Pamphlet on Vehicle.
16.70.520	Hitching Onto Vehicle.
16.70.530	Central City Plan District Closed to Driving Lessons.
16.70.550	Vendor Traffic Regulations.
16.70.560	Traffic Regulations in Parks.
16.70.570	Inoperative Electric Traffic Control Signals.
16.70.600	Over Dimensional Vehicles.
16.70.610	General Prohibitions.
16.70.620	Exemptions.
16.70.630	Permits.
16.70.640	Limits of Authority to Issue Variance Permit.
16.70.650	Requirements, Conditions and Procedures for Issuance of Variance Permit; Duration; Cancellation.
16.70.660	Permit Must Be Carried and Displayed.
16.70.670	Movement of Building or Other Structure Excluded.
16.70.680	Liability for Damage to Streets or Other Public Property.
16.70.690	Designation of Streets for Vehicles of Excess Weight or Size.
16.70.700	Traffic Congestion Thoroughfares.
16.70.710	Purpose.
16.70.720	Posting Signs.

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16.70.730	Signs.
16.70.740	Acts Prohibited.
16.70.750	Penalty.
16.70.760	Subsequent Violation.
16.70.770	Notice of Towing For Subsequent Violations.
16.70.800	Visibility.
16.70.810	Street Obstructions and Dangerous Conditions.
16.70.900	Reckless Driving.

16.70.001 Purpose.

This Section provides traffic regulations in addition to those of the Oregon Revised Statutes that apply in the City of Portland.

16.70.200 Pedestrians.

16.70.210 Must Use Crosswalks.

No pedestrian may cross a street other than within a crosswalk if within 150 feet of a crosswalk.

16.70.220 Must Cross at Right Angles.

A pedestrian must cross a street at right angles unless crossing within a crosswalk.

16.70.230 To Obey Directions of School Traffic Patrol and Crossing Guard.

At intersections where a member of the school traffic patrol or crossing guard is stationed for the safety of school children, all pedestrians must obey the directions of such school traffic patrol member or crossing guard. It is unlawful for any pedestrian to cross at any intersection where such patrol member or crossing guard is stationed contrary to the direction of such school traffic patrol member or crossing guard.

16.70.240 Bridge Railings.

No pedestrians may sit, stand on, or lean their torso over a Willamette River bridge railing unless engaged in bridge maintenance work or otherwise authorized by an appropriate government agency.

16.70.300 Bicycles.

16.70.310 Persons Riding Bicycles to Obey Traffic Regulations.

Every person riding a bicycle upon a roadway is subject to state law and the provisions of this Title applicable to the driver of a vehicle, except state law and those provisions of this Title which by their very nature can have no application.

16.70.320 Operating Rules.

(Amended by Ord. No. 165594, July 8, 1992.) No person may:

- A.** Leave a bicycle so that it obstructs vehicle or pedestrian traffic on a roadway, sidewalk, driveway, handicap access ramp, building entrance, or so that it prevents operation of a parking meter or newspaper rack;
- B.** Leave a bicycle secured to a fire hydrant or to a police or fire call box;
- C.** Leave a bicycle on private property without consent of the owner or legal tenant. Consent is implied on private commercial property;
- D.** Leave a bicycle on a street or other public property for more than 72 hours; or
- E.** Ride a bicycle on a sidewalk, unless avoiding a traffic hazard in the immediate area, within the area bounded by and including SW Jefferson, Front Avenue, NW Hoyt and 13th Avenue, except:
 - 1.** On sidewalks designated as bike lanes or paths;
 - 2.** On the ramps or approaches to any Willamette River Bridge; or
 - 3.** In the area bounded by the west property line of SW Ninth Avenue, the east property line of SW Park Avenue, the north property line of SW Jefferson and the south property line of SW Salmon Street.
 - 4.** For police or special officers operating a bicycle in the course and scope of their duties; or
 - 5.** For employees of the Association for Portland Progress and companies providing security services operating a bicycle in the course and scope of their duties. These employees must have in possession an identification card issued by the Chief of Police certifying the rider has completed a training course in the use of a bicycle for security patrol.

16.70.330 Impounding Bicycles.

- A.** A bicycle left on a street or other public property for more than 72 hours may be impounded.
- B.** A bicycle may be immediately impounded if:
 - 1.** It is parked in violation of this code and obstructs or impedes pedestrian or vehicular traffic; or

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- 2.** It is an immediate threat to the public welfare.
- C.** The impounding agency must make reasonable efforts to notify the owner of the impoundment and a description of how and by what date the bicycle must be claimed.
- D.** A fee may be charged to the owner of an impounded bicycle. No impoundment fee will be charged to the owner of a stolen bicycle that has been impounded.
- E.** An impounded bicycle that remains unclaimed after 30 days may be disposed of in accordance with city procedures for disposal of abandoned or lost personal property.

16.70.340 Renting Bicycles.

No person may rent a bicycle to another person unless the bicycle is equipped as required by state law.

16.70.400 Other Transportation.

16.70.410 Roller Skates and Skateboards.

(Replaced by Ordinance No. 175211; Amended by Ordinance Nos. 181483 and 182389, effective January 2, 2009.)

- A.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any sidewalk within the area bounded by and including SW Jefferson, Naito Parkway, NW Hoyt and 13th Avenue. The middle and bisecting sidewalks in the Park Blocks are considered sidewalks for the purposes of this subsection. The penalty for failing to follow the rules of this subsection shall be a maximum fine of \$25.
- B.** No person may use roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, roadway or sidewalk on SW 5th or 6th Avenues between SW Lincoln and Burnside, and on NW 5th or 6th Avenues between Burnside and Union Station. The penalty for failing to follow the rules of this subsection shall be a maximum fine of \$25.
- C.** All persons under 16 years of age shall wear protective headgear when using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, sidewalk, or bridge. The penalty for failure to wear protective headgear as required in this subsection shall be a maximum fine of \$25.

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- D.** All persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street or sidewalk between the hours of sunset and sunrise must be equipped with and use lighting equipment that shows a white light visible from a distance of at least 500 feet to the front of the device.
All persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street or sidewalk between the hours of sunset and sunrise must be equipped with and use lighting equipment that has a red reflector or lighting device or material of such size or characteristic and so mounted, carried or worn as to be visible from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.
The penalty for failing to follow the rules of this subsection shall be a maximum fine of \$25.
- E.** Persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon any street, sidewalk or premises open to the public shall be subject to the provisions applicable to and shall have the same rights and duties as the driver of a bicycle as provided by the Oregon Vehicle Code, except when those provisions by their very nature can have no application. The penalty for failing to follow the rules of this subsection shall be a maximum fine of \$25.
- F.** A copy of a citation issued for violation of this section by persons under 16 years of age shall be mailed to the parents or guardians of the cited person at their home address, if known.
- G.** The Portland Police Bureau shall monitor and maintain a record of injuries and deaths attributed to riders of roller skates, including in-line skates, a skateboard, or other similar device in the City of Portland and report their findings annually to City Council. The first report shall be made on or before October 1, 2001.
- H.** Before this ordinance takes effect, the Bureau of Transportation shall consult with the OMF Risk Management Division to minimize claims resulting from defects in City streets.
- I.** The Council directs Bureau of Transportation staff to meet with members of the Police Bureau's traffic safety division to recommend and designate "preferred skating routes" in the downtown core area as well as throughout the rest of the City. Bureau of Transportation will report these recommendations back to Council by March 1, 2001. Signage and informational materials will be prepared for distribution by April 1, 2001.

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16.70.430 Train Switching Prohibited in Certain Areas.

- A.** On railroad tracks located in NW 12th Avenue between West Burnside and NW Hoyt Streets, and on railroad tracks located on NW Flanders Street, between NW 12th Avenue and NW Front Avenue, it is unlawful for any person to direct, cause, or permit switching movements of freight cars between the hours of 6 a.m. and 7 p.m.
- B.** No person may direct, cause, or permit any railroad equipment to be left or parked on the main line tracks of these streets.

16.70.450 Off-Street Parking Required for Trucks.

A person owning or controlling any truck or truck trailer must provide at his or her own expense complete off-street parking facilities for the storage of all such equipment.

16.70.500 Traffic Regulations.

16.70.510 Trespassing -Leaving Pamphlet On Vehicle.

(Amended by Ord. No. 165987, Nov. 12, 1992.)

- A.** It is unlawful for any person to ride or trespass upon or within any motor vehicle without the consent of the owner or operator thereof.
- B.** It is unlawful for any person to post, stick, or place upon or within any motor vehicle any card, notice, handbill, leaflet, pamphlet, survey, or similar matter without the consent of the owner or operator.
- C.** The provisions of this Section do not apply to any card, notice, handbill, leaflet, pamphlet, survey, or similar matter placed upon or within such motor vehicle by authority of law, by an authorized officer of the City, County, or State or by a designee of the City Traffic Engineer.

16.70.520 Hitching Onto Vehicle.

- A.** It is unlawful for any person riding upon any vehicle, sled, or other conveyance to hitch or hold on to any part of another vehicle or conveyance for the purpose of being propelled or drawn along any street or highway within the City.
- B.** Nothing contained in this Section is deemed to prohibit the coupling of one or more motor vehicles or motor vehicle and trailer in the manner approved by ORS 818.

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16.70.530 Central City Plan District Closed to Driving Lessons.

It is unlawful for any person to give or receive lessons or instructions in driving or operating any vehicle upon any street, except interstate freeways, in the Central City Plan District except for access directly to and from an institution or business located in the Central City Plan District. This Section does not apply to an applicant for a motor vehicle operator's license when accompanied by an examiner from the office of the Department of Motor Vehicles of Oregon.

16.70.550 Vendor Traffic Regulations.

(Amended by Ordinance Nos. 165594, 166575, and 176585, effective July 5, 2002.)

- A. It is unlawful for any:
 - 1. Vehicle, cart, or temporary stand used to conduct business to be left unattended for 30 or more minutes or parked or stored over night on any public grounds, street, or highway. See also: 14A.50.030, 14A.50.040, 14A.50.050, 16.20.150 D., 16.60.100 F., 17.25, 17.26.
 - 2. Vendor to conduct business in a roadway adjacent to or directly across from residential property for a period longer than 10 minutes within any block face. Such vendor must vacate said block face for a period of 2 hours upon expiration of the 10-minute limit.
- B. Whenever, in the judgement of the Bureau of Police, traffic is or will be congested in and around an area being used by a vendor, the Bureau of Police is hereby given authority to cause said vendors to move and remain out of the congested area.

16.70.560 Traffic Regulations in Parks.

(Amended by Ord. No. 165594, July 8, 1992.)

- A. Except as otherwise provided in this Section, the provisions of this Title regulating street traffic and parking apply to driving or parking a vehicle in a City park or golf course.
- B. With approval of the Commissioner In Charge, the Superintendent of Parks may restrict or prohibit traffic or types of traffic and parking in City parks and golf courses. Signs giving notice of any restriction or prohibition imposed under this Subsection shall be posted and maintained by the Superintendent in a conspicuous manner and place to inform the public. It is unlawful for any person to violate any restriction or prohibition imposed under this Subsection after notice thereof has been posted.
- C. The Bureau of Police has authority to enforce the provisions of this Section.

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- D.** The provisions of this Section do not apply to City authorized vehicles used in park or golf course service.

16.70.570 Inoperative Electric Traffic Control Signals.

An intersection with inoperative electric traffic control signals shall be treated as an uncontrolled intersection, unless other official traffic control devices have been erected at the intersection. This Section does not apply to freeway ramp metering signals operated by the Oregon Department of Transportation.

16.70.600 Over Dimensional Vehicles.

16.70.610 General Prohibitions.

- A.** It is unlawful for any person or owner to drive, move, or to cause or permit to be driven or moved on any street in the City any vehicle or combination of vehicles that:
- 1.** Exceeds the weight or size limitations set forth in the Oregon Revised Statutes (ORS), Chapter 818;
 - 2.** Is not constructed or equipped as required by ORS 818;
 - 3.** Is dragging upon or over the surface of a street any log, pole, piling, or other thing;
 - 4.** Does not move exclusively on revolving wheels or rotating tracks in contact with the surface of the street;
 - 5.** Is so constructed or loaded so as to allow its contents to drop, sift, leak, or otherwise escape therefrom; or
 - 6.** Violates any other provisions of this Title.
- B.** Operation of any vehicle or combination of vehicles in violation of the provisions of this Chapter is prima facie evidence that the owner of the vehicle or combination caused or permitted the vehicle or combination to be so operated and the owner shall be liable for any penalties imposed pursuant to ORS 818.

16.70.620 Exemptions.

- A.** The provisions of this Chapter governing size and weight do not apply to:
- 1.** Any vehicle, combination of vehicles, article, machine, or other equipment in use by the Federal Government, the State of Oregon, or any county or

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city while in the immediate vicinity of and involved with the construction, maintenance, or repair of public highways;

2. Any vehicle in use by a mass transit district for the purposes authorized under ORS 267.010 to ORS 267.390, provided the size or weight of the vehicle is approved by the City for that route; or
3. Any vehicle, combination of vehicles, article, machine, or other equipment operated under a permit issued by the Traffic Engineer and in compliance with the conditions and restrictions thereof.

- B.** None of the size limits described in ORS 818, except the maximum limit of allowable extension beyond the last axle of a combination of vehicles, apply to agricultural equipment hauled, towed, or moved upon any street if the movement is incidental to the farming operations of the owner of the agricultural equipment.

16.70.630 Permits.

Under authority granted in Section 16.10.200, the Traffic Engineer may grant written permits for the operation over City streets, or sections thereof, of any vehicle or combination of vehicles, including any load thereon, having:

- A.** A gross weight;
- B.** A length;
- C.** A width;
- D.** A height; or
- E.** A maximum number of vehicles in combination; in excess of that authorized in ORS 818 or administratively imposed weight or size limits designated in accordance to 16.70.690.

16.70.640 Limits of Authority to Issue Variance Permit.

A permit may not be issued for any vehicle or load that can readily or reasonably be dismantled or disassembled to reduce weight or width. This does not apply to any vehicle, combination of vehicles, load, article, property, machine, or thing that is:

- A.** Used in the immediate vicinity of construction, maintenance, or repair of public highways; and
- B.** Of a length in excess of that permitted in ORS 818.

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16.70.650 Requirements, Conditions and Procedures for Issuance of Variance Permit; Duration; Cancellation.

(Amended by Ordinance Nos. 176361 and 181217, effective September 14, 2007.)

- A.** In issuing a permit, the Traffic Engineer may:
- 1.** Grant a permit that is valid for a single trip, a number of trips or an amount of time not to exceed one year.
 - 2.** Establish seasonal or other time limitations on a permit.
 - 3.** Require the applicant to furnish public liability or automobile insurance and property damage insurance as follows:
 - a.** General Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage; or
 - b.** Automobile Liability insurance with a combined single limit of not less than \$1,000,000 per occurrence for Bodily Injury and Property Damage, including coverage for owned, hired or nonowned vehicles, as applicable; and
 - c.** The City of Portland, and its agents, officers, and employees are Additional Insured, but only with respect to operations occurring within the scope of the permit.
 - d.** There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without 30-days written notice from the Contractor or its insurer(s) to the City.
 - e.** As evidence of the insurance coverage required, the applicant shall furnish acceptable insurance certificates to the City prior to issuance of any permit. The certificate will specify that the City is additional insured and will include the 30-day cancellation clause. Insuring companies or entities are subject to City acceptance. The applicant shall be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance.
 - 4.** Require the applicant to furnish indemnity insurance or an indemnity bond in an amount fixed by the Traffic Engineer to:
 - a.** Reimburse the City of Portland for any damage to the highways or streets that may be caused under the permit; and

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- b. Indemnify the members, officers, employees, and agents of the City of Portland from any claim that might arise from the granting of the permit and from the use of the highways under the permit.
5. Require a demonstration by the applicant to establish that any vehicle, combination of vehicles, load, article, property, machine, or thing in operation under a permit would:
 - a. Stay on the right side of the center line of the traveled way at all times; and
 - b. Allow sufficient room in the opposing traffic lane for the safe movement of other vehicles.
- B. A permit must be in writing and must specify:
 1. All highways or streets over which the permit is valid;
 2. Any vehicle, combination of vehicles, load, article, property, machine, or thing allowed under the permit; and
 3. Maximum dimensions and maximum weights allowed under the permit.
- C. Under this section, the Traffic Engineer may not issue a permit that is valid for longer than 1 year.
- D. An application for a permit issued under this section must specify:
 1. The vehicle, combination of vehicles, load, article, property, machine, or thing for which the permit is requested;
 2. The particular highways and streets for which the permit is sought; and
 3. Whether the permit is sought for a single trip, a number of trips or continuous operation.
- E. This section does not authorize:
 1. Any vehicle, combination of vehicles, load, article, property, machine, or thing for which the permit is issued to be operated or moved contrary to any provisions of the vehicle code, except as specified in a permit; or

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2. Any movement or operation of a vehicle, combination of vehicles, load, article, property, machine, or thing until a permit is issued.
 3. Any vehicle, combination of vehicles, load, article, property, machine, or thing which is eligible for a permit under the State of Oregon Continuous Operation Variance Permit program as described in OAR 734.074.0010.
- F.** The City Traffic Engineer may be present during the movement. The presence of the City Traffic Engineer and any directions or suggestion made by him/her is not to be considered supervision of the movement and does not relieve the permit holder or the permit holder's insurers or sureties from liability for any damage done by the movement. If there are any of the permit's terms or conditions with which the movement does not comply, the City Traffic Engineer who is present at the movement may order it to be stopped.
- G.** Any permit may be canceled at any time by the City Traffic Engineer upon satisfactory proof that:
1. The permit holder has violated any of the terms of the permit;
 2. The permit was obtained through misrepresentation in the application therefor; or
 3. The public interest requires cancellation.

16.70.660 Permit Must Be Carried and Displayed.

- A.** The driver of any vehicle or combination of vehicles for which a variance permit has been issued commits the offense of failure to carry and display a variance permit if the driver does not:
1. Have the variance permit in immediate possession at all times when driving the vehicle or combination of vehicles upon a public highway or street; and
 2. Display the variance permit upon demand of any police officer, department or county weighmaster, judicial officer, or the City Traffic Engineer.
- B.** Later producing a variance permit issued prior to and valid at the time of an offense by authority of this section is not a defense for a charge under this section.

16.70.670 Movement of Building or Other Structure Excluded.

The movement of buildings or other structures on or over the streets and other public right-of-ways of the City is excluded from the provisions of this Chapter. (See Chapter 17.48, Public Improvements.)

16.70.680 Liability for Damage to Streets or Other Public Property.

Any person moving any vehicle of excess weight or size on or over any street or other public right-of-way in the City is responsible for damage to pavement or other public improvement or property caused thereby.

16.70.690 Designation of Streets for Vehicles of Excess Weight or Size.

- A. When in the judgement of the City Traffic Engineer any City street or section thereof is capable of carrying any vehicle or combination of vehicles having a gross weight or overall size in excess of that authorized in ORS 818, the City Traffic Engineer may report to the City Council so declaring that street and fixing the maximum gross weight, width, height, and/or length and types and classes of vehicles or combination of vehicles which may be operated thereon.
- B. The provisions of any report accepted by the City Council pursuant to recommendation of the City Traffic Engineer under this Section may be changed or rescinded at any time and is subject to any order made pursuant to Section 16.10.200.
- C. If a report submitted by the City Traffic Engineer under this Section is accepted by the City Council, a duplicate original thereof (and any amendment or revocation thereof) must be filed by the Auditor with the Secretary of State. After such resolution is adopted and filed, no permit is required for the operation upon such street or section thereof of a vehicle or combination of vehicles not exceeding the maximum gross weight and length fixed by the report for vehicles or combinations of vehicles of that type and class.

16.70.700 Traffic Congestion Thoroughfares.

16.70.701 Purpose.

The purpose of this Chapter is to prohibit the repeated driving of a motor vehicle along and across one portion of a congested public street, which constitutes a strict liability violation without any requirement of culpable mental state, all as described in this Chapter.

16.70.720 Posting Signs.

With respect to any traffic congestion thoroughfare, the Chief of the Bureau of Police or his/her designee is authorized to declare that portion of the street to be a traffic

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congestion thoroughfare and to cause signs, as described in this Chapter, to be posted notifying of that designation.

16.70.730 Signs.

The signs referred to in Section 16.70.720 will notify drivers that they are entering a traffic congestion thoroughfare; that repeated passage of a motor vehicle through or across the traffic congestion thoroughfare is a violation of City Code Section 16.70.740; and that for a subsequent violation, the vehicle will be towed.

16.70.740 Acts Prohibited.

Between the hours of 9 p.m. and 5 a.m. of the following morning, no vehicle may pass along or across a traffic congestion thoroughfare, designated as such by signs as described in Section 16.70.730, more than two times.

16.70.750 Penalty.

(Amended by Ordinance Nos. 165987 and 176394, effective April 17, 2002.) Violation of this Chapter is an infraction punishable by a fine not to exceed \$150.

- A.** Except as provided below, violation of this Chapter is an infraction punishable by a fine not to exceed \$150.
- B.** Violation of Sections 16.20.470, 16.70.510 A, 16.70.210, 16.70.220 and 16.10.060, is punishable by a fine of not more than \$500, or by imprisonment not exceeding 10 days or both.

16.70.760 Subsequent Violation.

If a vehicle passes along or across a traffic congestion thoroughfare as designated by signs in violation of Section 16.70.740, any single subsequent drive-through of that traffic congestion thoroughfare by that vehicle within the same 9 p.m. to 5 a.m. time period constitutes a separate violation of Section 16.70.740, punishable as provided in section 16.70.750; and the vehicle may be towed and taken to a storage area designated by the City and may be held for not more than 24 hours, all at the expense of the owner or person entitled to possession.

16.70.770 Notice of Towing For Subsequent Violations.

Upon issuing a citation for a violation of Section 16.70.740, the officer will give the person to whom the citation is issued a written notice which will state:

NOTICE

You have been cited for violation of Code Section 16.70.740 for repeated passage of a motor vehicle on or across a traffic congestion thoroughfare.

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If the vehicle you are driving is again driven along or across this traffic congestion thoroughfare before 5 a.m. this morning, this vehicle may be impounded and towed in accordance with City Code Section 16.70.760.

Chief of the Bureau of Police

16.70.780 Exemptions.

This Section does not apply to:

- A.** Any publicly owned vehicle of any city, county, public district, state, or federal agency;
- B.** Any vehicle licensed for public transportation; or
- C.** Any other vehicle granted an exemption by the Chief of Police because passage of the vehicle along or across the traffic congestion thoroughfare is necessary for commercial or medical reasons.

16.70.800 Visibility.

(Amended by Ordinance Nos. 165987, 173369 and 183397, effective January 8, 2010.)

- A.** It is the responsibility of the owner or occupant of any property to prevent any vegetation or street tree on the property or the abutting public right-of-way from partially or wholly obstructing the visibility of traffic control devices, the visibility of or for drivers, bicyclists, or pedestrians, or in any way presents a safety hazard.
- B.** The person who owns or occupies said property is liable to any person who is injured or otherwise suffers damage by reason of the failure to remove or prune such vegetation as required by Title 16 or any other Title of the City Code. Furthermore, said person is liable to the City of Portland for any judgement or expense incurred or paid by the City, by reason of said person's failure to satisfy the obligations imposed by this or any other Title of the City Code.
- C.** Any street tree removal or pruning required by this Title must be done in accordance with the provisions of Title 20.
- D.** Vegetation, including trees, in green street or other public stormwater management facilities, shall be trimmed only by the City or under the authorization of the Bureau of Environmental Services (BES).
- E.** Any vegetation or street tree not removed or pruned as required in this Title is hereby declared to be a public nuisance and may be summarily abated as provided in Title 29.

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- F.** Whenever the provisions of this section conflict with those of any other section of this code, including but not limited to Titles 16, 17, 18, 20, and 33, the stricter provisions shall govern.

16.70.810 Street Obstructions and Dangerous Conditions.

(Added by Ordinance No. 176585, effective July 5, 2002.) No person, whether acting as private citizen, principal, employee or agent shall:

- A.** Between the hours of sunset and sunrise, place or allow to remain on any street any obstruction, other than a lawfully parked vehicle or any permitted structure, unless a clearly displayed warning light or lights are:
- 1.** plainly visible for 200 feet in either direction parallel to the street and at least 25 feet in all other directions, and
 - 2.** placed on the edge or side of the obstruction nearest the center of the street.
- B.** At any time, create a dangerous condition on any street without erecting and maintaining a distinctly visible barricade which provides a clear indication of the danger and directs people safely around it; and/or
- C.** Remove such a barricade from any street while the danger continues.

16.70.900 Reckless Driving.

(Added by Ordinance No. 173097, effective by February 10, 1999.)

- A.** A driver of a vehicle commits the crime of reckless driving within the City of Portland if the driver commits two or more of the following violations in a single series of acts in such a way as to endanger the safety of persons or property:
- 1.** Unlawful or unsignaled lane change;
 - 2.** Unsafe passing on the left or right;
 - 3.** Passing in a no-passing zone;
 - 4.** Following too close;
 - 5.** Illegal backing;
 - 6.** Unlawful stop or deceleration;

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- 7. Failure to signal;
 - 8. Violation of maximum speed limit in an urban area; or
 - 9. Taking other actions that a reasonable driver would know endanger the safety of persons or property in a congested urban driving environment such as the City of Portland.
- B.** Violation of this law shall constitute a Class A Misdemeanor as prescribed in State law.

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Chapter 16.90

DEFINITIONS

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16.90.380	Traffic Control Signal.
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16.90.001 Generally.

The following words and phrases when used in this Title shall, for the purpose of this Title, have the meanings respectively ascribed to them in this Chapter, except in those instances where the context clearly indicates a different meaning. Definitions of words and phrases in the Oregon Revised Statutes may be applied unless defined differently in this Title or in those instances where the context clearly indicates a different meaning.

16.90.005 Abandoned Vehicle.

(Amended by Ordinance No. 179141, effective March 23, 2005.) A vehicle that remains in violation for more than 24 hours and one or more of the following conditions exist:

- A.** The vehicle does not have a lawfully affixed, unexpired registration plate, or fails to display current registration.
- B.** The vehicle appears to be inoperative or disabled.
- C.** The vehicle appears to be wrecked, partially dismantled or junked.

16.90.010 Accessory Recreational Vehicle.

See Recreational Vehicle.

16.90.015 Alley.

(Amended by Ordinance No. 177028, effective December 14, 2002.) A facility primarily intended to provide access to the rear or side of lots or buildings in urban areas and not intended for through vehicular movement.

16.90.020 Angle Loading.

When a vehicle is parked at an angle to traffic flow for the purpose of loading/unloading and extends into the public right-of-way anywhere outside of a legal parking area.

16.90.025 Bicycle.

A type of vehicle that:

- A. Is designed to be operated on the ground on wheels;
- B. Has a seat or saddle for use of the rider;
- C. Is designed to travel with not more than three wheels in contact with the ground;
- D. Is propelled exclusively by human power; and
- E. Has every wheel more than 14 inches in diameter or two tandem wheels either of which is more than 14 inches in diameter.

16.90.030 Bicycle Boulevard.

(Replaced by Ordinance No. 177028, effective December 14, 2002.) A roadway with low vehicle traffic volumes where the movement of bicycles is given priority.

16.90.032 Bicycle Lane.

(Added by Ordinance No. 177028, effective December 14, 2002.) The part of the street designated by official signs or markings for the movement of persons riding bicycles except as otherwise specifically provided by law.

16.90.034 Bikeway, Shoulder.

(Added by Ordinance No. 177028, effective December 14, 2002.) A street upon which the paved shoulder, separated by a four-inch stripe and no bicycle lane markings, is used for the movement of persons riding bicycles. Auto parking is also allowed on shoulders marked in this manner.

16.90.035 Bicycle Path.

(Repealed by Ordinance No. 177028, effective December 14, 2002.)

16.90.036 Bikeway, Extra Width Curb Lane.

(Added by Ordinance No. 177028, effective December 14, 2002.) A wider than normal curbside travel lane provided to give extra room for the movement of persons riding bicycles where there is insufficient space for a bicycle lane or shoulder bikeway.

16.90.038 Bikeway, Off-Street Path.

(Added by Ordinance No. 177028, effective December 14, 2002.) An off-street path for the movement of persons riding bicycles that is physically separated from motorized

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vehicular traffic by an open space or barrier and either within a street right-of-way, but not in the roadway, or within an independent right-of-way or dedicated easement.

16.90.040 Bikeway, Signed Connection.

(Replaced by Ordinance No 177028, effective December 14, 2002.) A bikeway upon which signing is placed to direct bicyclists to a destination or another bikeway.

16.90.045 Block Face.

The area between the line separating a public right-of-way from private property and the center line of a street or highway, and between the midpoint of two intersections.

16.90.050 Bureau of Transportation System Management.

(Repealed by Ordinance No. 182389, effective January 2, 2009.)

16.90.055 Carpool Vehicle.

- A.** Any vehicle that is designed by its manufacturer to seat three or more people and is utilized to transport on a regular basis, three or more people including the driver, from a point of origin to a destination.
- B.** For the purpose of this Title of the City Code, carpool vehicle specifically means any vehicle described in A. above, which displays a carpool permit issued by the Tri-County Metropolitan Transportation District of Oregon.

16.90.060 Central City Plan District.

The Central City Plan District is defined in Title 33 of this code. For purposes of this Title, however, regulations that apply to the Central City Plan District apply to the whole street (up to the property line or extension of a property line to the corner of a property line across an intersection) of the streets whose center lines serve as boundaries to the Central City Plan District.

16.90.065 City Recognized Holidays.

City recognized holidays are:

- A.** New Year's Day;
- B.** Martin Luther King Jr.'s Birthday;
- C.** President's Day;
- D.** Memorial Day;
- E.** Fourth of July;

- F.** Labor Day;
- G.** Veteran's Day;
- H.** Thanksgiving Day; and
- I.** Christmas Day.

A day begins at 12:00:00 a.m. and ends at 11:59:59 p.m.

16.90.070 Compact Car.

Any vehicle which will fit within the space lines of a space designated for compact cars by official signs or markings.

16.90.075 Conduct Business.

The act of selling or attempting to sell services, or edible or nonedible items for immediate delivery.

16.90.080 Construction Zone.

The space adjacent to the curb and in immediate proximity to the premises where construction, alteration, remodeling, repairing, or similar work is in progress, and designated by official parking meter or sign hoods, signs, or markings.

16.90.085 Crosswalk.

Any portion of a roadway at an inter-section or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface of the roadway that conform in design to the standards established for crosswalks under ORS 810.200. Whenever marked cross- walks have been indicated, such cross- walks and no other shall be deemed lawful across such roadway at that intersection. Where no marked crosswalk exists, a crosswalk is that portion of the roadway described in the following:

- A.** Where sidewalks, shoulders or a combination thereof exists, a crosswalk is the portion of a roadway at an intersection, not more than 20 feet in width as measured from the prolongation of the lateral line of the roadway toward the prolongation of the adjacent property line, that is included within:
 - 1.** The connections of the lateral lines of the sidewalks, shoulders, or a combination thereof on opposite sides of the street or highway measured from the curbs or, in the absence of curbs, from the edges of the traveled roadway; or
 - 2.** The prolongation of the lateral lines of a sidewalk, shoulder, or both, to the sidewalk or shoulder on the opposite side of the street, if the prolongation would meet such sidewalk or shoulder.

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- B.** If there is neither sidewalk nor shoulder, a crosswalk is the portion of the roadway at an intersection, measuring not less than 6 feet in width, that would be included within the prolongation of the lateral lines of the sidewalk, shoulder or both on the opposite side of the street or highway if there were a sidewalk.

16.90.090 Curb.

Any raised margin defining the space in the street devoted to vehicular traffic.

16.90.095 Curb Line.

The curb line separates a street or highway into the area dedicated to vehicle traffic (roadway) and the area dedicated to pedestrian and nonmotor vehicle traffic (planting strip, sidewalk, etc.).

16.90.100 Driver.

The rider, driver, or leader of any animal or vehicle that is not self-propelled and the operator of any vehicle that is self-propelled.

16.90.105 Driveway.

- A.** A road or access, whether improved or unimproved, extending from a public right-of-way onto private or public lands or structures for the purpose of gaining vehicular access to such areas and reasonably designated at the property line so as to be an obvious opening for access. For purposes of enforcement, a driveway:
- 1.** Extends from one curb return to the other;
 - 2.** If winged, includes the wings; or
 - 3.** If the street is unimproved, the driveway area falls between the projections of the edges of an improved driveway or the most established tire ruts of an unimproved driveway.
- B.** Such road or access will be enforced as a driveway unless closed by a structure or permanent closure device.

16.90.110 Drop Box.

A container in which trash or any other refuse material is temporarily stored or collected. For the purposes of Title 16, a drop box will be considered a vehicle in terms of parking provisions and restrictions.

16.90.115 Emergency Vehicles.

(Amended by Ordinance No. 180917, effective May 26, 2007.) Vehicles of Portland Fire & Rescue, police vehicles, emergency vehicles of municipal departments, and

ambulances while being used for emergency purposes and displaying lights as required by the Oregon Revised Statutes.

16.90.120 Fire Station.

Any building used for the purpose of housing fire apparatus of the City.

16.90.125 Fog Line or Edge Line.

The official 4-inch wide marking that defines the lateral lines of a roadway.

16.90.130 Gross Vehicle Weight Rating.

The value specified by the manufacturer as the maximum loaded weight of a single or a combination vehicle or the registration weight, whichever is greater.

16.90.135 Guest.

As used in a regulated parking zone sign, means a patron or visitor to the adjacent hotel.

16.90.140 Handicap Access Ramp.

An inclination, ramp-like structure, or any other such device designed to serve and provide ease of access from the sidewalk to the roadway or from the street to adjacent property for individuals using a mobility aid. If winged, it includes the winged area of the structure.

16.90.145 Hotel.

Any structure intended or designed for transient occupancy and which offers more than 25 percent of its rooms for dwelling, lodging or sleeping purposes for less than a 30 day period.

16.90.150 Improper Use.

Improper use occurs when a permit holder violates the provisions described on the permit application.

16.90.155 Intersection.

The area of a roadway created when two or more public roadways join together at any angle, as described in one of the following:

- A.** If the roadways have curbs, the intersection is the area embraced within the prolongation or connection of the lateral curb lines.
- B.** If the roadways do not have curbs, the intersection is the area embraced within the prolongation or connection of the lateral boundary lines of the roadways.
- C.** The junction of an alley with a roadway does not constitute an intersection.
- D.** Where a highway includes two roadways 30 feet or more apart, then every

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crossing of each roadway of the divided highway by an intersection highway is a separate intersection. In the event the intersection highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways is a separate intersection.

16.90.160 Light Rail Transit System.

A commuter transit mode consisting of steel-wheeled rail vehicles, powered electrically through overhead lines, operating predominately on exclusive right-of-way that need not be grade separated.

16.90.165 Light Rail Vehicle.

A component car in a light rail transit system.

16.90.170 Load/Unload.

To load or unload a vehicle means to be actively engaged in removing merchandise from or putting merchandise in a vehicle.

16.90.175 Local Authorities.

Every county, municipality, and other local board or body having authority to adopt local police regulations under the constitution and laws of this State.

16.90.180 Long-Term Parking Meter.

A parking meter with a designated time limit of more than 4 hours.

16.90.185 Mobile Construction Trailer.

A trailer that is used temporarily in conjunction with a construction site for office and other related purposes.

16.90.190 Motor Bus.

Every motor vehicle designed or used for carrying passengers and their personal baggage for compensation. The term "motor bus" does not mean or include taxicabs designed or constructed to accommodate and transport not more than five passengers, exclusive of the driver, and fitted with taximeters or using or having some other device, method, or system to indicate and determine the passenger fare paid for distance traveled.

16.90.195 Motor Home.

See Recreational Vehicle.

16.90.200 Motor Vehicle.

Every inanimate vehicle which is self-propelled.

16.90.205 Municipal Terminal.

Any property owned or operated by the Port of Portland for the provision of port services.

16.90.210 Official.

By authority of or recognized by law or code.

16.90.215 Official Vehicle.

Any government vehicle so identified by public registration plates.

16.90.220 Official/Reserved Zone.

(Amended by Ordinance No. 179141, effective March 23, 2005.) Any space adjacent to the curb or edge of the roadway, or on City of Portland owned or operated property, which is exclusively reserved for those vehicles which have been assigned the use of such space through official permits or other means of designation.

16.90.225 Operator.

Any person who is in actual physical control of a vehicle.

16.90.230 Parade.

Any group of persons and/or vehicles moving on a street or streets of the City under permit as herein provided in accordance with a plan or common purpose for a celebration, display, exhibition, show, or advertisement, whether for public, semi-public, or private purposes, but does not include funeral processions or advertising vehicles operating under the provisions of Title 7.

16.90.235 Park, Parking, or Parked.

The stopping or standing of any vehicle upon any street or highway within the City, whether such vehicle is occupied or not. It does not mean stopping or halting temporarily for less than 30 seconds to load/unload passengers, or in obedience to traffic regulations, signs, signals, or officers.

16.90.240 Parking Lane.

The area between the curb and not more than 8 feet from the curb or curb line or as shown by official street markings. The parking lane is generally intended for vehicle parking. Parking regulations may apply to the parking lane area according to the provisions of Title 16 of the Portland City Code.

16.90.245 Parking Meter.

(Amended by Ordinance Nos. 176394 and 179141, effective March 23, 2005.) A device placed at or near the curb adjacent to the street area, or on City of Portland owned or operated property authorized by the City and designed to register the duration of the parking time and the limit thereof, upon payment by a U.S. coin or a payment card. Parking meter includes a pay station.

16.90.247 Payment Card.

(Added by Ordinance No. 176394, effective April 17, 2002.) A valid credit, debit or stored value card.

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16.90.249 Space Reservation Device.

(Added by Ordinance No. 176394; amended by 179141, effective March 23, 2005.) A hood that is secured over a parking meter or a marker that is placed near the curb of the parking space, which contains administrative information on permit holder and regulations.

16.90.250 Pedestrian.

(Amended by Ordinance No. 177028, effective December 14, 2002.) A person afoot; a person operating a pushcart; a person riding on or pulling a coaster wagon, sled, scooter, tricycle, bicycle with wheels less than 14 inches in diameter, or a similar non-motorized vehicle; or on roller skates, skateboard, wheelchair, or a baby in a carriage.

16.90.255 Pedestrian Way.

(Amended by Ordinance No. 177028, effective December 14, 2002.) A facility intended for pedestrian movement.

16.90.260 Permanently Exhibit.

To display affixed to a vehicle so that the sign may not be removed from the vehicle without mechanical tools.

16.90.265 Person.

A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

16.90.270 Planting Strip.

The area between the curb or edge of the roadway and an improved sidewalk.

16.90.275 Private Road.

Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

16.90.280 Public Right-of-Way.

(Repealed by Ordinance No. 177028, effective December 14, 2002.)

16.90.285 Rail Vehicles.

Any steel-wheeled vehicle(s) propelled on fixed steel rails, including, but not limited to: trolleys; light rail vehicles; and diesel-powered trains.

16.90.290 Recreational Vehicle.

A vehicle which is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis. Recreational vehicle is divided into two categories as follows:

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- A.** Motor Home. A motor vehicle designed for human occupancy on an intermittent basis. A camper is considered a motor home when it is on the back of a pick-up or truck.
- B.** Accessory Recreational Vehicle. A nonmotor vehicle designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreational vehicle when it is not on the back of a pick-up or truck. Accessory recreational vehicle also includes vehicles designed for off-road use such as off-road vehicles, dune buggies, and recreational boats.

16.90.295 Regulated Parking Zone.

(Amended by Ordinance No. 179141, effective March 23, 2005.) A space adjacent to a curb or curb line, designated by official signs or markings, where special regulations for parking or stopping a vehicle apply in addition to the general parking regulations that apply to all parking areas in the public right-of-way, or on City of Portland owned or operated property.

16.90.300 Repair (a vehicle).

To perform work on the motor, mechanical, or body parts of a vehicle.

16.90.302 Right-of-Way.

(Added by Ordinance No. 177028, effective December 14, 2002.)

- A.** The area between property lines of a street, easement, tract or other area dedicated to the movement of vehicles, pedestrians and/or goods.
- B.** A public right-of-way is dedicated or deeded to the public for public use and under the control of a public agency.
- C.** A private right-of-way is in private ownership, for use by the owner and those having express or implied permission from the owner, but not by others.

16.90.305 Roadway.

(Amended by Ordinance No. 177028, effective December 14, 2002.) The portion of a street or highway improved for vehicle movement, including any parking lane. On an improved street, the area between the curbs or edge lines of a street.

16.90.310 School Bus.

A motor bus owned or operated by authority of any lawfully recognized school district.

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16.90.315 Service (a vehicle).

To perform routine maintenance such as replacing fluids or charging batteries. It does not include repairs to motor or body parts.

16.90.320 Short-Term Parking Meter.

A parking meter with a designated time limit of 4 hours or less.

16.90.325 Shoulder.

The portion of a public street or highway without curbs, whether paved or unpaved, contiguous to the roadway that is primarily for use by pedestrians, for the accommodation of stopped vehicles, for emergency use and for lateral support of base and surface courses.

16.90.330 Sidewalk.

The portion of the street between the curb or lateral lines of the roadway and the adjacent property lines, intended for use by pedestrians. An improved sidewalk is a pedestrian walkway with permanent surfacing in the sidewalk area of a street or highway.

16.90.335 Skateboard.

A board of any material, natural or synthetic, with wheels affixed to the underside, designed to be ridden by a person.

16.90.340 Sled.

Vehicles that do not move exclusively on revolving wheels in contact with the surface of the road or on fixed rails.

16.90.345 Stop, Stopping, or Stopped.

Any halting, even momentarily, of a vehicle, whether occupied or not, except to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

16.90.350 Street or Highway.

(Amended by Ordinance No. 177028, effective December 14, 2002.) The entire width of a right-of-way when any portion thereof is intended for motor vehicle movement or motor vehicle access to abutting property.

16.90.351 Storage Container.

(Added by Ordinance No. 179141, effective March 23, 2005.) A Storage Container in which any material is temporarily stored or collected. For the purposes of Title 16, a storage container will be considered a vehicle in terms of parking provisions and restrictions.

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16.90.355 Taxicab.

Any motor vehicle which carries passengers for hire where the destination and route traveled may be controlled by a passenger and the fare is calculated on the basis of an initial fee, distance traveled, waiting time, or any combination thereof, and which is duly licensed by the City of Portland as a taxicab.

16.90.360 Tire.

The band of material used on the circumference of a wheel, on the outer face of a track or on a runner of a sled, which forms the tread that comes in contact with the surface of the road, or, if no band is used, then it means the tread or runner of a sled.

16.90.365 Traffic.

(Amended by Ordinance No. 177028, effective December 14, 2002.) Pedestrians, ridden or herded animals, and vehicles, either singly or together, while using any street or highway for purposes of movement or parking.

16.90.370 Traffic Congestion Thoroughfare.

Any portion of a street or highway within the City affected by traffic congestion caused in whole or in part by the repeated driving of the same motor vehicles along or across that portion of the thoroughfare.

16.90.375 Traffic Control Device.

- A. All signs, signals, markings, and devices consistent with this Title placed or operated by direction of the City Traffic Engineer for the purpose of guiding, directing, warning, or regulating traffic or parking.
- B. Any device that remotely controls by electrical, electronic, sound, or light signal the operation of any device identified in subsection (A) of this definition.

16.90.380 Traffic Control Signal.

Any device, whether manually, electrically, or mechanically operated, by which traffic is directed. An electric traffic control signal is considered inoperative when none of the signal control indications are illuminated.

16.90.385 Traffic Hazard.

(Amended by Ordinance No. 179141, effective March 23, 2005.) Any object, including vehicles, that impede the safe movement of vehicles in the public right-of-way or, on City of Portland owned or operated property.

16.90.390 Traffic Lane.

(Amended by Ordinance No. 177028, effective December 14, 2002.) An area of a street or highway, designated by official signs or markings, as dedicated to the movement of one vehicle at a time.

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16.90.392 Transit Mall and Auxiliary Vehicular Lanes.

(Added by Ordinance No. 182921, effective June 17, 2009.) The Transit Mall and Auxiliary Vehicular Lanes shall be designated in Section 16.50.110. An emergency is defined in Subsection 17.23.020 E.

16.90.395 Tri-Met Bus.

A motor bus owned or operated by the Tri-Metropolitan Transit District of Oregon.

16.90.400 Trolley or Streetcar.

(Amended by Ordinance No. 175564, effective May 9, 2001.) An electric or diesel powered, steel wheeled rail vehicle, operating on steel rails, used to transport passengers.

16.90.405 Truck.

(Amended by Ordinance No. 179141, effective March 23, 2005.) Every motor vehicle designed, used or maintained primarily for the transportation of property, goods or providing a service, tow truck with passenger plates, step vans, vehicle length or width or height greater than original manufacturer's vehicle dimensions, and meeting the description as defined by DMV registration as a truck, van or pickup.

16.90.410 Truck Trailer.

A vehicle which is not a recreational vehicle or utility trailer, is more than 16 feet in length, and is designed to be pulled by a motor vehicle.

16.90.415 Uncontrolled Intersection.

Any intersection with no official traffic control device to designate vehicular right-of-way.

16.90.420 Utility Trailer.

A vehicle which is used to carry property, refuse, or special equipment, is 16 feet or less in length and is designed to be pulled by a motor vehicle. Boat trailers are included as utility trailers no matter what their length.

16.90.421 Valid Receipt.

(Added by Ordinance No. 179141, effective March 23, 2005.) A parking meter receipt dispensed from a City of Portland Parking Meter device indicating the valid date, time purchased, expiration time, watermark, or any other identifications showing validity of receipt. The receipt issued is valid only in the designated meter district where purchased.

16.90.425 Vehicle.

(Amended by Ordinance No. 177028, effective December 14, 2002.) Every device in, upon, or by which any person or property is or may be transported or drawn upon any street or highway. Bicycle is more specifically defined in Section 16.90.025.

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16.90.430 Vehicle Alarm System.

Any device, equipment, assembly, or system designed, arranged, or intended to sound an alarm horn, siren, klaxon, or other sound emitting device to signal an entry or attempted entry into, or tampering with, a vehicle.

16.90.435 Vendor.

Any person who conducts business in the public right-of-way or any other public property.

16.90.440 Way.

(Added by Ordinance No. 177028, effective December 14, 2002.) A facility for the movement of pedestrians, vehicles or goods, the specific user or users being determined by modifying words, such as road, bicycle, pedestrian, etc. Path and lane are synonyms for way, and likewise may be given a more specific meaning through use of a specified user or specific definition. See: Roadway, Pedestrian Way, Traffic Lane, Bicycle Path, et. al.

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3. Completed System Development Charge information form.
 4. Information sufficient to construct building foundations for the proposed structure, including engineering and structural calculations, soils report, 100 percent construction documents for foundation.
- B.** For Manufactured Housing Park New Development, the following documents must be submitted:
1. A completed Building Permit Application form.
 2. Payment of the required plan review and processing fees for the site development permit.
 3. Information sufficient to construct the Manufactured Housing Park for the future placement of the manufactured homes, which could include engineering and structural calculations, soils report, 100 percent construction documents for foundations.
- C.** For residential changes of use and alteration projects resulting in additional residential units, the following documents must be submitted:
1. A completed Building Permit Application form.
 2. Payment of the required plan review and processing fees for the site development permit.
 3. A floor plan indicating the previous uses.
 4. A floor plan indicating the proposed changes in use.
 5. 100 percent construction drawings.
- D.** For new single family, separate manufactured home on an individual lot (as opposed to a manufactured home park), townhouses/row houses, and duplex construction, the following documents must be submitted:
1. A completed Building Permit Application form.
 2. Payment of the required plan review and processing fees for the site development permit.

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3. 100 percent construction drawings sufficient to construct the building, including any required soils reports, engineering calculations and drawings.

17.13.060 Partial and Full Exemptions.

(Amended by Ordinance Nos. 176511, 179008, 181669 and 183448, effective July 1, 2010.) The uses listed and described in this Section shall be exempt, either partially or fully, from payment of the Parks and Recreation SDC. Any Applicant seeking an exemption under this Section shall specifically request that exemption no later than the time of the City's completion of the final inspection. Where New Development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption. The balance of the New Development which does not qualify for any exemption under this section shall be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption request, the Applicant must apply for an Alternative Exemption calculation under Section 17.13.080. The Applicant has the burden of proving entitlement to any exemption so requested.

- A. Temporary uses are fully exempt so long as the use or structure proposed in the New Development will be used for not more than 180 days in a single calendar year.
- B. Affordable housing is exempt pursuant to Section 30.01.095.
- C. Alteration permits for tenant improvements are fully exempt.
- D. New construction or remodeling where no additional Dwelling Unit(s) or non-residential square footage are created is fully exempt.
- E. For New Development which includes a mix of exempt and non-exempt forms of Development, the applicable exemption(s) shall apply only to that portion of the New Development to which the exemption applies.

17.13.070 SDC Credits and SDC Reimbursements.

(Amended by Ordinance Nos. 172732, 172758, 173386, 174617 and 181669, effective January 1, 2009.) SDC Credits:

- A. The City shall grant a Credit against the Parks SDC, which is otherwise assessed for an New Development, for any Qualified Public Improvement(s) constructed or conveyed as part of that New Development. For purposes of this section, a Qualified Public Improvement will be considered part of a New Development when the application for a credit is made and the New Development is identified by a Building Permit Number. The Applicant bears the burden of evidence and

persuasion in establishing entitlement to an SDC Credit and to a particular value of SDC Credit.

- B.** To obtain an SDC Credit, the Applicant must specifically request a Credit prior to the City's completion of the final inspection for the new Development. In the request, the Applicant must identify the improvement(s) for which Credit is sought and explain how the improvement(s) meet the requirements for a Qualified Public Improvement. The Applicant shall also document, with credible evidence, the value of the improvement(s) for which Credit is sought. If, in the Administrator's opinion, the improvement(s) is a Qualified Public Improvement, and the Administrator concurs with the proposed value of the improvement(s), an SDC Credit shall be granted. The value of the SDC Credits under this section shall be determined by the Administrator based on the cost of the Qualified Public Improvement, or the value of Real Property Interests, as follows:
1. For Real Property Interests, the value shall be based upon a written appraisal of fair market value by a qualified, professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction;
 2. For improvements yet to be constructed, value shall be based upon the anticipated cost of construction. Any such cost estimates shall be certified by a professional architect or engineer or based on a fixed price bid from a contractor ready and able to construct the improvement(s) for which SDC Credit is sought. The City will give immediate credits based on estimates, but it will provide for a subsequent adjustment based on actual costs: a refund to the Applicant if actual costs are higher than estimated, and an additional SDC to be paid by the Applicant if actual costs are lower than estimated. The City shall inspect all completed Qualified Public Improvement projects before agreeing to honor any credits previously negotiated. The City shall limit credits to reasonable costs. Credits shall be awarded only in conjunction with an application for development;
 3. For improvements already constructed, value shall be based on the actual cost of construction as verified by receipts submitted by the Applicant;
- C.** The Administrator will respond to the Applicant's request in writing within 21 days of when the request is submitted. The Administrator shall provide a written explanation of the decision on the SDC Credit request.
1. The "Request for Parks SDC Credit for Qualified Public Improvement" (Form PSDC-7) and accompanying information will be sent to the Parks SDC Administration Section, who will prepare a staff report and convene the SDC Credit Review Committee. The Committee shall be composed of

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representatives of the following organizations:

- a.** Metropolitan Home Builders Association
- b.** Coalition for a Livable Future
- c.** League of Women Voters
- d.** Developer-at-Large
- e.** Parks Board Member or Designee
- f.** Portland Business Alliance Member or Designee

If a vacancy occurs, the organization will nominate a replacement. Members of the committee will be nominated by their respective organizations and appointed by the Director of Parks and Recreation.

- 2.** The Committee shall review each proposal and forward a recommendation, along with any minority viewpoints. The Director will make a decision within 60 days of the application.
 - 3.** Certified copies of the decision and the Committee recommendations will be transmitted to the Auditor of the City of Portland, who will file them in a special record of such decisions. All such decisions of the Director shall be accessible to the public under like terms as ordinances of the City of Portland. Any decision of the Director shall be subject to amendment, repeal, or alteration by the City Council, but any such action must take place within 30 days of the decision.
- D.** If the Applicant disputes the Administrator's decision with regard to an SDC Credit request, including the amount of the Credit, the Applicant may seek an alternative SDC Credit calculation under Section 17.13.080. Any request for an Alternative SDC Credit calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial Credit request.
- E.** When the construction or donation of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project. For purposes of this paragraph, "subsequent phases of the original development project" means additional New Development that is approved as part of the same regulatory development approval, (such as elements

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approved as part of the same conditional use master plan or planned unit development) or other portions of the same “site” (as defined by PCC 33.901.030) that are explicitly defined in the application for SDC credits as subsequent phases of the original development project. For multi-phased developments, the applicant must describe all subsequent phases at the time application is made for SDC credits and must document to the satisfaction of the SDC Administrator that the subsequent phases are integrally connected with the original development rather than independent projects.

- F.** The Applicant may request that the portion of the Park SDC credit relative to the Non-Local Access portion of the SDC fee be applied to their development anywhere within the City. The proportional breakdown of Local Access portion to Non-Local Access portion as follows:

	Central City	Non Central-City
Residential	49% Local Access 51% Non-Local Access	34% Local Access 66% Non-Local Access
Non-Residential	46% Local Access 54% Non-Local Access	0% Local Access 100% Non-Local Access

- G.** Parks and Recreation SDC Credits are void and of no value if not redeemed with the City for payment of a Parks and Recreation SDC within 10 years of the date of issuance.
- H.** Notwithstanding any other provisions of this section, with respect to conveyances of Real Property Interests specified in development agreements adopted before June 21, 2000, the value of the credit will be 25 percent of the appraised value of the Real Property Interest.

17.13.080 Alternative Calculation for SDC Rate, Credit, or Exemption.

(Amended by Ordinance No. 181669, effective January 1, 2009.)

- A.** Pursuant to this section, an Applicant may request an alternative Parks and Recreation SDC rate calculation, alternative SDC Credit determination, or alternative SDC exemption, but only under the following circumstances:
- 1.** The Applicant believes that the number of persons per Dwelling Unit for residential development, or resident equivalents per 1,000 square feet for non-residential development, resulting from the New Development is, or will be, less than the number of persons per Dwelling Unit or resident

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equivalents per 1,000 square feet established in the SDC Methodology Report, and for that reason, the Applicant's SDC should be lower than that calculated by the City.

2. The Applicant believes the City improperly excluded from consideration a Qualified Public Improvement that would qualify for Credit under Section 17.13.070, or the City accepted for Credit a Qualified Public Improvement, but undervalued that improvement and therefore undervalued the Credit.
3. The Applicant believes the City improperly rejected a request for an exemption under Section 17.13.060 for which the Applicant believes it is eligible.

B. Alternative SDC Rate Request

1. If an Applicant believes that the occupancy assumptions for the class of structures that includes New Development are inaccurate, in that, for residential development, the number of persons per Dwelling Unit is, or will be, less than the number of persons per Dwelling Unit established in the SDC Methodology Report, or for non-residential development, the number of resident equivalents per 1,000 square feet is, or will be, less than the number of resident equivalents per 1,000 square feet established in the SDC Methodology Report, the Applicant must request City consideration of an alternative SDC rate calculation, under this section, no later than the time the City completes the final inspection for the New Development. Alternative SDC rate calculations must be based on analysis of occupancy of classes of structures, not on the intended occupancy of a particular New Development. The City shall not entertain such a request filed after the City has completed the final inspection for the new Development. Upon the timely request for an alternative SDC rate calculation, the Administrator shall review the Applicant's calculations and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of this Section.
2. In support of the Alternative SDC Rate request, the Applicant must provide complete and detailed documentation, including verifiable dwelling occupancy data, analyzed and certified by a suitable and competent professional. The Applicant's supporting documentation must rely upon generally accepted sampling methods, sources of information, cost analysis, demographics, growth projections, and techniques of analysis as a means of supporting the proposed alternative SDC rate. The proposed Alternative SDC Rate calculation shall include an explanation

with particularity why the rate established in the SDC Methodology Report does not accurately reflect the New Development's impact on the City's capital improvements.

3. The Administrator shall apply the Alternative SDC Rate if, in the Administrator's opinion, the following are found:
 - a. The evidence and assumptions underlying the Alternative SDC Rate are reasonable, correct and credible and were gathered and analyzed in compliance with generally accepted principles and methodologies consistent with this Section, and
 - b. The calculation of the proposed Alternative SDC rate was by a generally accepted methodology, and
 - c. The proposed alternative SDC rate better or more realistically reflects the actual impact of the New Development than the rate set forth in the SDC Methodology Report.
4. If, in the Administrator's opinion, all of the above criteria are not met, the Administrator shall provide to the Applicant (by Certified mail, return receipt requested) a written decision explaining the basis for rejecting the proposed alternative Parks and Recreation SDC Rate.

C. Alternative SDC Credit Request

1. If an Applicant has requested an SDC Credit pursuant to Section 17.13.070, and that request has either been denied by the City or approved but at a lower value than desired, the Applicant may request an Alternative SDC Credit calculation, under this section, no later than the time the City completes the final inspection for the New Development. The City shall not entertain such a request filed after the City has completed the final inspection for the new Development. Upon the timely request for an Alternative SDC Credit calculation, the Administrator shall review the Applicant's calculations and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of this Section.
2. In support of the Alternative SDC Credit request, the Applicant must provide complete and detailed documentation, including appraisals, cost analysis or other estimates of value, analyzed and certified to by an appropriate professional, for the improvements for which the Applicant is seeking Credit. The Applicant's supporting documentation must rely upon generally accepted sources of information, cost analysis, and techniques of

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analysis as a means of supporting the proposed Alternative SDC Credit.

3. The Administrator shall apply the Alternative SDC Credit if, in the Administrator's opinion, the following are found:
 - a. The improvement(s) for which the SDC Credit is sought are Qualified Public Improvement(s), and
 - b. The evidence and assumptions underlying the Applicant's Alternative SDC Credit request are reasonable, correct, and credible and were gathered and analyzed by an appropriate competent professional in compliance with generally accepted principles and methodologies, and
 - c. The proposed Alternative SDC Credit is based on realistic, credible valuation analysis.
4. If, in the Administrator's opinion, any one or more of the above criteria is not met, the Administrator shall deny the request and provide to the Applicant (by Certified mail, return receipt requested) a written decision explaining the basis for rejecting the proposed Alternative Parks and Recreation SDC Credit proposal.

D. Alternative SDC Exemption Request:

1. If an Applicant has requested a full or partial exemption under Section 17.13.060 and that request has been denied, the Applicant may request an Alternative SDC Exemption under this Section, no later than the time the City completes the final inspection for the new Development. The City shall not entertain such a request filed after the City has completed the final inspection for the New Development. Upon the timely request for an Alternative SDC Exemption, the Administrator shall review the Applicant's request and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of Section 17.13.060 for exemptions.
2. In support of the Alternative SDC Exemption request, the Applicant must provide complete and detailed documentation demonstrating that the Applicant is entitled to one of the exemptions described in Section 17.13.060.
3. The Administrator shall grant the exemption if, in the Administrator's opinion, the Applicant has demonstrated with credible, relevant evidence that it meets the pertinent criteria in Section 17.13.060.

4. Within 21 days of the Applicant's submission of the request, the Administrator shall provide a written decision explaining the basis for rejecting or accepting the request.

17.13.090 Payment.

(Amended by Ordinance Nos. 173565, 181669 and 183447, effective July 1, 2010.)

- A. The Parks and Recreation SDC required by this Chapter to be paid is due upon issuance of the Building Permit. However, in lieu of payment of the full Parks and Recreation SDC, the Applicant may elect to pay the SDC in installments as is authorized by ORS Chapter 223.208 and Chapter 17.14 of this Code. If the Applicant elects to pay the SDC in installments, a lien will be placed against the property that is subject to the SDC Deferral or Installment Agreement entered into by the Applicant and the City on a form provided by the City, and which may provide for the deferral of payments as set forth in Chapter 17.14 of this Code. In any event, the Applicant shall either pay the SDC in full or enter into an SDC Deferral or Installment Agreement as provided in this Code, before the City will issue any Building Permits.
- B. Upon written request of Portland Parks & Recreation, the City Auditor is authorized to cancel assessments of SDCs, without further Council action, where the New Development approved by the Building Permit is not constructed and the Building Permit is cancelled.
- C. For property that has been subject to a cancellation of assessment of SDCs, a new installment payment contract shall be subject to the code provisions applicable to SDCs and installment payment contracts on file on the date the new contract is received by the City.

17.13.100 Refunds.

(Amended by Ordinance No. 181669, effective January 1, 2009.) Refunds may be given by the Administrator upon finding that there was a clerical error in the calculation of the SDC. The City shall refund to the Applicant any SDC revenues not expended within ten (10) years of receipt. Refunds will be given, upon request by the Applicant, when a building permit application is canceled.

17.13.110 Dedicated Account and Appropriate Use of Account.

(Amended by Ordinance No. 181669, effective January 1, 2009.)

- A. There is created a dedicated account entitled the "Parks and Recreation SDC Account." All monies derived from the Parks and Recreation SDC shall be placed in the Parks and Recreation SDC Account. Funds in the Parks and Recreation SDC Account shall be used solely for the purpose of providing

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capacity-increasing capital improvements as identified in the adopted Parks and Recreation SDC-CIP as it currently exists or a hereinafter amended, and eligible administrative costs. In this regard, SDC revenues may be used for purposes which include:

1. design and construction plan preparation;
2. permitting;
3. land and materials acquisition, including any costs of acquisition or condemnation;
4. construction of parks and recreation capital improvements;
5. design and construction of new drainage facilities or streets required by the construction of parks and recreation capital improvements and structures;
6. relocating utilities required by the construction of improvements;
7. landscaping;
8. construction management and inspection;
9. surveying, soils and material testing;
10. acquisition of capital equipment that is an intrinsic part of a facility;
11. demolition that is part of the construction of any of the improvements on this list;
12. payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide money to construct or acquire parks and recreation facilities;
13. direct costs of complying with the provisions of ORS 223.297 to 223.314, including the consulting, legal, and administrative costs required for developing and updating the system development charges methodologies and capital improvement plan; and the costs of collecting and accounting for system development charges expenditures.

B. Money on deposit in the Parks and Recreation SDC Account shall not be used for:

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1. any expenditure that would be classified as a maintenance or repair expense; or
 2. costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements; or
 3. costs associated with acquisition or maintenance of rolling stock
- C. The City may prioritize SDC-funded projects and may spend SDC revenues for growth-related projects anywhere in the City. However, during any period of twenty years, the City shall not spend less SDC revenues for local access parks within any City parks planning sub-area than the total amount of SDC revenues collected for local access parks within that sub-area.

17.13.120 Challenges and Appeals.

(Amended by Ordinance No. 174617, effective July 28, 2000.)

- A. Any person may challenge the expenditure of SDC revenues by filing a challenge to the expenditure with the Administrator within two years after the date of the disputed SDC revenue expenditure. The fee for filing such a challenge shall be \$100.
- B. Except where a different time for an Administrator's decision is provided in this Chapter, all Administrator decisions shall be in writing and shall be delivered to the Applicant within 21 days of an Application or other Applicant request for an Administrator determination. Delivery shall be deemed complete upon the earlier of actual delivery to the Applicant or upon deposit by the Administrator in the mail, first class postage prepaid, addressed to the address for notice Applicant has designated in the Application. Any person may appeal any decision of the Administrator made pursuant to this Chapter to the City Hearings Officer by filing a written request with the Administrator within fourteen (14) days after the delivery of the Administrator's written decision to the Applicant. The fee for appealing a decision to the Hearings Officer shall be \$250 and shall accompany the request for appeal. An outline of these appeal procedures shall be included in the Administrator's written decision.
- C. The decision of the Hearings Officer shall be reviewable solely under ORS 34.010 through 34.100.
- D. The City shall withhold all Permits and other approvals applicable to the Applicant's property of the New Development pending resolution of all appeals under this Chapter unless the SDC is paid in full or Applicant provides, for the pendency of the appeal, a financial guarantee or security for the charge in a form acceptable to the City Attorney.

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17.13.130 City Review of SDC.

(Amended by Ordinance No. 181669, effective January 1, 2009.)

- A.** No later than every five (5) years as measured from initial enactment, the City shall undertake a review to determine that sufficient money will be available to help fund the Parks and Recreation SDC-CIP identified capacity increasing facilities; to determine whether the adopted SDC rate keeps pace with inflation, whether the Parks and Recreation SDC-CIP should be modified, and to ensure that such facilities will not be over-funded by the SDC receipts.
- B.** In the event that during the review referred to above, it is determined an adjustment to the SDC is necessary and consistent with state law, the City Council may propose and adopt appropriately adjusted SDCs.
- C.** The City Council may from time to time amend or adopt a new SDC Methodology Report by ordinance.

17.13.140 Time Limit on Expenditure of SDCs.

The City shall expend SDC revenues within ten (10) years of receipt, based on the priorities in the Parks and Recreation SDC-CIP list.

17.13.150 Implementing Regulations.

The Director of the Bureau of Parks and Recreation may adopt regulations to implement the provisions of this chapter.

17.13.160 Amendment of the Parks and Recreation SDC-CIP List.

(Amended by Ordinance No. 181669, effective January 1, 2009.) The City Council may, by resolution, amend its Parks and recreation SDC-CIP list as set forth in the SDC Methodology Report, from time to time to add or remove projects the City deems appropriate. The Administrator may, at any time, change the timing and sequence for completion of projects included in the Parks and Recreation SDC-CIP list.

17.13.170 Severability.

The provisions of this Chapter are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section or provision of this Chapter shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this Chapter shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the legislative intent that this Chapter would have been adopted had such an unconstitutional provision not been included herein.

Chapter 17.14

**FINANCING SYSTEMS
DEVELOPMENT CHARGES**

(Added by Ordinance No. 145785; amended
by 166334, effective Mar. 17, 1993.)

Sections:

- 17.14.010 Purpose.
- 17.14.020 Definitions.
- 17.14.030 Application, Consent to Assessment.
- 17.14.040 Terms and Conditions of Deferred Payment and Installment Payment Agreements.
- 17.14.050 Assessment.
- 17.14.060 Cancellation.

17.14.010 Purpose.

(Amended by Ordinance No. 183447, effective July 1, 2010.) The purpose of this Chapter is to authorize financing agreements that provide for payments deferrals and installment payments of City system development charges. This Chapter fulfills the mandate of Chapter 722 Oregon Laws of 1977 (ORS 223.207 and 223.208) by providing that the rights and duties accorded the City and property owners by the laws relating to assessments and financing of local improvement districts shall also apply to assessments and financing of those charges imposed by the City that are defined by Subsections 1 (a) and (b) of Section 2, Chapter 722 Oregon Laws of 1977 (ORS 223.208 (1) (a) and (b)).

17.14.020 Definitions.

(Amended by Ordinance No. 183447, effective July 1, 2010.) As used in this Chapter the following terms shall be defined as follows:

- A. “System development charge”** means a charge imposed pursuant to Chapters 17.13, 17.15, 17.36 and 21.16 of this Code.
- B. “Owner or property owner”** means all persons who appear on the County property tax record for the property subject to the system development charge.
- C. “Responsible Bureau”** means the City agency, office, organization, division or bureau which is responsible for calculating and maintaining records regarding system development charges.

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17.14.030 Application, Consent to Assessment.

(Amended by Ordinance No. 183447, effective July 1, 2010.) Any owner of real property subject to a systems development charge may apply to defer the payment of system development charges, or to pay the charge in installments in a manner similar to that provided for local improvement district assessments. As a condition to such application, the owner shall waive any right to challenge the validity or applicability of the charge and shall consent to the assessment of the property subject to the charge.

17.14.040 Terms and Conditions of Deferred Payment and Installment Payment Agreements.

(Amended by Ordinance No. 183447, effective July 1, 2010.)

A. Deferred Payments

1. The City shall authorize the deferred payment of system development charges for periods not to exceed 6 months for projects valued less than or equal to \$750,000, 9 months for projects valued greater than \$750,000 and less than or equal to \$7 million, and 12 months for projects that are valued greater than \$7 million.
2. For purposes of this Section, the City shall rely on the value assigned to projects by the City when calculating building permit fees.
3. The City shall charge simple interest during the deferral period at the interim interest rate established by ordinance pursuant to Chapter 17.12 of this Code.
4. The City shall collect fees and charges for the processing and administration of deferred payment agreements as set by general ordinance.

B. Installment Payment Agreements

Payment of principal and interest shall be made in installments as set forth in the signed installment payment contract.

17.14.050 Assessment.

The City Auditor shall report to the Council from time to time the contracts to pay system development charges pursuant to this Chapter. If the Council finds that the contracts are in order and that subject property has been permitted to connect to City facilities and has thereby benefited, it shall approve the contracts by ordinance direct the billing for the charges upon the land benefited plus a financing fee. The financing fee shall be calculated as set forth in PCC 17.12 Assessments. All such assessments may be combined in one assessment roll and shall be entered upon the Docket of City Liens and collected in the same manner as other local improvement assessments.

17.14.060 Cancellation.

(Amended by Ordinance No. 183447, effective July 1, 2010.)

- A.** Upon written request of the responsible City bureau, the City Auditor is authorized to cancel assessments of system development charges, without further Council action, where the property is not physically connected to the public improvement of where the new development approved by the building permit is not constructed and the building permit is cancelled. The City Auditor shall establish administrative guidelines and fees or charges relating to the cancellation of assessments. The City Auditor shall maintain on file for public inspection a current copy administrative guidelines and fees or charges.
- B.** For property which has been subject to a cancellation of assessment of system development charges, a new installment payment contract shall be subject to the code provisions applicable to system development charges and installment payment contracts on file on the date the new contract is received by the City.

Applicant elects assessment under this Subsection C., the Applicant and the City shall negotiate an agreement for the payment of a fee in lieu of the Transportation SDC that includes the following elements:

1. A methodology for estimating the amount of the SDC which would be imposed pursuant to Subsection A. or B. above, during a period of not less than either 3 years or until the expiration of the SDC project list, whichever is less, nor more than 10 years as specified by the Applicant. The methodology shall take into account the Port Development anticipated under the Applicant's master plan during the period specified in that plan, the trips that the Port Development is expected to generate, trip levels against which SDC charges have historically been assessed, the anticipated increases or decreases in the dollar amounts of the SDC during the specified period, any applicable credits or exemptions and any other factors which the Administrator deems to be relevant. In no event shall the charge estimated under this Subsection be less than the SDC that would otherwise be due for the Port Development and the Applicant shall indicate its agreement to the methodology in writing; and
2. A payment period shall be imposed by which the Applicant shall pay in full the amount due within 12 months of the Applicant's agreement to the methodology
3. In the event the Applicant and the City are unable to agree to a methodology under this Subsection, the normal method of calculating and assessing the SDC under Subsection A. or B. shall apply.

17.15.050 Partial and Full Exemptions.

(Amended by Ordinance Nos. 171698, 173437, 177198, 181322, 182389, 182652, 183679 and 183448, effective July 1, 2010.) The uses listed and described in this section shall be exempt, either partially or fully, from payment of the Transportation SDC. Any Applicant seeking an exemption under this Section shall specifically request that exemption within 180 days after building permit issuance for the New Development. Where New Development consists of only part of one or more of the uses described in this section, only that/those portion(s) of the development which qualify under this section are eligible for an exemption. The balance of the New Development which does not qualify for any exemption under this section shall be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption request, the Applicant must apply for an Alternative Exemption calculation under Section 17.15.070. The Applicant has the burden of proving entitlement to any exemption so requested.

- A. Temporary uses are fully exempt so long as the use or structure proposed in the New development will be used not more than 180 days in a single calendar year.

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- B.** New Development which, will not generate more than 15% more vehicle trips than the present use of the property shall be fully exempt.
- C.** Affordable housing is exempt pursuant to Section 30.01.095.
- D.** The City of Portland is phasing out the exemption for the Transit Oriented Development (TOD) as calculated per Section 17.15.050 D.1. and 3. below. From January 1, 2008 through December 31, 2008, eligible development shall receive 100% of the exemption; from January 1, 2009 through December 1, 2009, eligible development shall receive 67% of the total exemption; and from January 1, 2010 through December 31, 2010, eligible development shall receive 33% of the total exemption. No TOD exemption shall be provided after December 31, 2010, as calculated per Section 17.15.050 D.1. and 3.
Transit Oriented Development (TOD) as calculated per Section 17.15.050 D.2. shall be exempt from the SDC as described below from January 1, 2008 through December 31, 2012. No TOD exemption shall be provided after December 31, 2012.

No exemption for Transit Oriented Development (TOD) shall be provided for any SDC based upon the Overlay Rate Study.

- 1.** Within the Central City Plan District, New Development that meets Transit Oriented Development definition KK.1., KK.2.a. or KK.2.b. shall be liable for only 10% of the vehicle portion of the SDC and 90% of the transit and non-motorized portion of the SDC.
 - 2.** For all areas outside of the Central City Plan District, New Development that meets Transit Oriented Development definition KK.3.a., KK.3.b., or KK.3.c. shall be liable for only 50% of the vehicle portion of the SDC and 100% of the transit and non-motorized portion of the SDC.
 - 3.** For all areas outside of the Central City Plan District, New Development that meets the density requirements in Transit Oriented Development definition KK.2.a., or KK.2.b. shall be liable for only 10% of the vehicle portion of the SDC and 90% of the transit and non-motorized portion of the SDC.
- E.** Graded Scale: A change in occupancy of an existing building where the gross enclosed floor area does not exceed 3,000 square feet is fully exempt. A change in occupancy of an existing building where the gross floor area is between 3,000 square feet and 5,000 square feet shall be assessed on a graded scale. The percentage of the rate to be assessed on the entire existing building shall be calculated by the following equation:

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(size of existing building - 3,000 square feet) / 2,000 square feet

Examples of Graded Scale Assessment Calculations

$(4,000 - 3,000) / 2,000 = 0.50$ Existing 4,000 square foot building assessed at 50% of the rate

$(3,200 - 3,000) / 2,000 = 0.10$ Existing 3,200 square foot building assessed at 10% of the rate

$(4,900 - 3,000) / 2,000 = 0.95$ Existing 4,900 square foot building assessed at 95% of the rate

- F.** Alteration permits for tenant improvements, new construction or remodeling where
1. no additional dwelling unit(s) or structure(s) are created;
 2. which is not reasonably expected to result in a significant increase in additional trips according to table 4-9 of the City Rate Study, and if applicable, the Overlay Rate Study;
 3. the use or structure is of a temporary nature and is used less than 180 days in a calendar year;
- G.** The construction of accessory buildings or structures which will not create additional dwelling units or which do not create additional demands on the City's capital improvements.
- H.** Any newly permitted and constructed accessory dwelling unit (ADU) conforming to the Title 33 definition of an ADU will receive a waiver of SDC fees if a complete building permit application is submitted for the ADU from April 15, 2010 through June 30, 2013, provided that the new ADU receiving a waiver obtains an occupancy permit no later than June 30, 2014. If an occupancy permit is not obtained by June 30, 2014, an occupancy permit will not be issued until the SDC are paid at the rates in effect at the time the occupancy permit is issued.
- I.** For New Development which includes a mix of exempt and non-exempt forms of development, the applicable exemption(s) shall apply only to that portion of the New Development to which the exemption applies.

17.15.060 SDC Credits, SDC Credit Transfers and SDC Reimbursements.

(Amended by Ordinance Nos. 172677, 173121, 173437, 174936, 181322 and 182652, April 8, 2009.)

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A. SDC Credits:

1. The City shall grant a credit against the Transportation SDC, which is otherwise assessed for a New Development, for any Qualified Public Improvement(s) constructed or dedicated as part of that New Development. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC Credit and to a particular value of SDC Credit.

a. To obtain an SDC Credit, the Applicant must specifically request a credit within 180 days after building permit issuance for the New Development. In the request, the Applicant must identify the improvement(s) for which credit is sought and explain how the improvement(s) meet the requirements for a Qualified Public Improvement. The Applicant shall also document, with credible evidence, the value of the improvement(s) for which credit is sought. If, in the Administrator's opinion, the improvement(s) are Qualified Public Improvement, and the Administrator concurs with the proposed value of the improvement(s), an SDC Credit shall be granted. The value of SDC Credits under Section 17.15.060 A.1. shall be determined by the Administrator based on the cost of the Qualified Public Improvement, or the value of land dedicated, as follows:

- (1) For dedicated lands, value shall be based upon a written appraisal of fair market value by a qualified, professional appraiser based upon comparable sales of similar property between unrelated parties in an arms-length transaction;
- (2) For improvements yet to be constructed, value shall be based upon the anticipated cost of construction. Any such cost estimates shall be certified by a professional architect or engineer or based on a fixed price bid from a contractor ready and able to construct the improvement(s) for which SDC Credit is sought;
- (3) For improvements already constructed, value shall be based on the actual cost of construction as verified by receipts submitted by the Applicant;
- (4) For all improvements for which credit is sought, only the fraction of over-capacity in the improvement as described in the definition of Qualified Public Improvement is

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eligible for SDC Credit. There is a rebuttable presumption that improvements built to the City's minimum standards are required to serve the Applicant's New Development and to mitigate for transportation system impacts attributable to the Applicant's New Development;

- (5) For all improvements for which credit is sought within the North Macadam Transportation System Development Charge Overlay, the Administrator shall apportion the credit based upon the percent of the total SDC charge attributable to the City Rate Study and the Overlay Rate Study.
- b. The Administrator will respond to the Applicant's request in writing within 21 days of when the request is submitted. The Administrator shall provide a written explanation of the decision on the SDC Credit request.
- c. If an Applicant disputes the Administrator's decision with regard to an SDC Credit request, including the amount of the credit, the Applicant may seek an alternative SDC Credit calculation under Section 17.15.070. Any request for an Alternative SDC Credit calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial credit request.
- 2. Granting SDC Credits to New Development Prior to Commencing Construction of New Development. When a Qualified Public Improvement is built by a Developer prior to an Applicant applying for Building Permits for the New Development, the City shall grant a credit for any Qualified Public Improvement(s) to be constructed or dedicated as a Condition of Development Approval of that New Development. Credits issued pursuant to Section 17.15.060 A.3. are in lieu of any other SDC Credits that could otherwise be claimed in connection with the Qualified Public Improvement, and are issued pursuant to the following requirements and conditions:

 - a. The Developer must specifically request a credit prior to the first Application for a Building Permit, but after the issuance of the Public Works Permit for the Qualified Public Improvement;
 - b. For improvements yet to be constructed, the Developer shall provide the City with an enforceable mechanism to guarantee completion of the Qualified Public Improvement, either in the form

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of a performance bond or other financial guarantee acceptable to the Administrator;

c. The Developer shall submit written confirmation to the Administrator on the form provided acknowledging:

(1) That SDC credits issued pursuant to this Section are in lieu of any other credits that could be claimed by the Developer or other Applicants on account of the Qualified Public Improvement and

(2) That it is the Developer's obligation to advise subsequent Applicants of the New Development that SDC credits associated with the Qualified Public Improvement have already been issued and that no further credits are available.

3. Where the amount of an SDC Credit approved by the Administrator under this section exceeds the amount of the Transportation SDC assessed by the City upon a New Development, the excess may be transferred. SDC Credit Transfers shall be issued by the City for a particular dollar value to the Applicant. The Applicant may convey by any means and for any value an SDC Credit Transfer to any other party. The Applicant or any other party to whom the credits are transferred may use the SDC Credit Transfers to satisfy Transportation SDC requirements for any other New Development within the City, with the following exception: SDC Credit Transfers approved in connection with New Development outside the North Macadam Urban Renewal District, if applied to SDCs payable on New Development inside the North Macadam Urban Renewal District, may only be applied to the portion of that New Development's SDC charges payable under the City Rate Study. Such SDC Credit Transfers may not be applied to SDCs payable under the Overlay Rate Study.

4. The City shall accept at face value any SDC Credit Transfer presented as full or partial payment for the Transportation SDC due on New Development, except that SDC credits approved in connection with New Development outside the North Macadam Renewal District and applied to New Development inside the North Macadam Urban Renewal District may only be applied to the portion of that New Development's SDC charges payable under the City Rate Study. Neither the City nor any of its employees or officers shall be liable to any party for accepting a SDC Credit Transfer, approved and issued by the City under this Section, as payment for a Transportation SDC.

5. SDC Credit Transfers are void and of no value if not redeemed with the

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City for payment of a Transportation SDC within 10 years of the date of issuance.

6. It shall be a violation of this title for any person to counterfeit or forge an SDC Credit Transfer or knowingly attempt to negotiate or redeem any counterfeit or forged SDC Credit Transfer.
7. Notwithstanding Subsections 3. and 4. above, transportation SDC credits approved in connection with New Development subject to the Overlay Rate Study may be applied against transportation SDCs that accrue in subsequent phases of the original New Development.

B. SDC Reimbursement.

1. If an Applicant proposes New Development on property on which there is already a use which generates at least 15% more vehicle trips than the proposed use, then the Applicant shall be entitled to an SDC Reimbursement. The SDC Reimbursement shall be in the form of a credit equal to the difference between the SDC Rate of the previous use and that for the proposed use. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC Reimbursement and to a particular amount of such a reimbursement.
2. To obtain an SDC Reimbursement, the Applicant must request the Reimbursement within 180 days after building permit issuance for the New Development and document the basis for the request with traffic reports prepared and certified to by a Professional Traffic Engineer.
3. If, in the Administrator's opinion, the Applicant has sufficiently demonstrated that the new use will generate fewer trips than did the previous use, the Administrator shall refund to the Applicant the difference between the Transportation SDC that was paid on the previous use and the Transportation SDC amount that would be assessed for the proposed use. The Administrator shall notify the Applicant in writing of its decision on the SDC Reimbursement request and shall provide a written explanation of the decision. For all improvements for which Reimbursement is sought within the North Macadam Transportation System Development Charge Overlay, the Administrator shall apportion the Reimbursement based upon the percent of the total SDC charge attributable to the SDC calculated from the City Rate Study and from the Overlay Rate Study.
4. If an Applicant disputes the Administrator's decision with regard to an SDC Reimbursement decision, including the amount of the

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Reimbursement, the Applicant may seek an Alternative SDC Reimbursement calculation under Section 17.15.070 in the same manner as for an Alternative SDC Rate request. Any request for an Alternative SDC Reimbursement calculation must be filed with the administrator in writing within 10 calendar days of the written decision on the initial reimbursement request.

17.15.070 Alternative Calculation for SDC Rate, Credit or Exemption.

(Amended by Ordinance Nos. 181322 and 182652, effective April 8, 2009.)

A. Pursuant to this section, an applicant may request an alternative SDC calculation, alternative SDC credit determination or alternative SDC exemption, but only under the following circumstances:

- 1.** The Applicant believes the number of vehicle trips resulting from the New Development is, or will be, less than the number of trips established in The City Rate Study and if applicable, the Overlay Rate Study, and for that reason the Applicant's SDC should be lower than that calculated by the City.
- 2.** The Applicant believes the City improperly excluded from consideration a Qualified Public Improvement that would qualify for credit under Section 17.15.060, or the City accepted for credit a Qualified Public Improvement, but undervalued that improvement and therefore undervalued the credit.
- 3.** The Applicant believes the City improperly rejected a request for an exemption under Section 17.15.050 for which the Applicant believes it is eligible.

B. Alternative SDC Rate Request:

- 1.** If an Applicant believes the number of trips resulting from the New Development is less than the number of trips established in The City Rate Study, and if applicable, the Overlay Rate Study, the Applicant must request an alternative SDC rate calculation, under this section, within 180 days after building permit issuance for the New Development. The City shall not entertain such a request filed after 180 days after building permit issuance for the New Development. Upon the timely request for an alternative SDC rate calculation, the Administrator shall review the Applicant's calculations and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of this Section.
- 2.** In support of the Alternative SDC rate request, the Applicant must provide

complete and detailed documentation, including verifiable trip generation data, analyzed and certified to by a Professional Traffic Engineer. The Applicant's supporting documentation must rely upon generally accepted sampling methods, sources of information, cost analysis, traffic and growth projections and techniques of analysis as a means of supporting the proposed alternative SDC rate. The proposed Alternative SDC Rate calculation shall include an explanation by a registered engineer explaining with particularity why the rate established in The City Rate Study, and if applicable, the Overlay Rate Study, does not accurately reflect the New Development's impact on the City's capital improvements

3. The Administrator shall apply the Alternative SDC Rate if, in the Administrator's opinion, the following are found:
 - a. The evidence and assumptions underlying the Alternative SDC Rate are reasonable, correct and credible and were gathered and analyzed by a suitable, competent professional in compliance with generally accepted engineering principles and methodologies and consistent with this Section, and
 - b. The calculation of the proposed Alternative SDC rate was by a generally accepted methodology, and
 - c. The proposed alternative SDC rate better or more realistically reflects the actual traffic impact of the New Development than the rate set forth in The City Rate Study, and if applicable, the Overlay Rate Study.
4. If, in the Administrator's opinion, all of the above criteria are not met, the Administrator shall provide to the Applicant by certified mail, return receipt requested, a written decision explaining the basis for rejecting the proposed alternative SDC rate.

C. Alternative SDC Credit Request:

1. If an Applicant has requested an SDC Credit pursuant to Section 17.15.060, and that request has either been denied by the City or approved but at a lower value than desired, the Applicant may request an Alternative SDC Credit calculation, under this section. Any request for an Alternative SDC Credit calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial credit request. The City shall not entertain such a request filed after 10 calendar days of the written decision on the initial credit request. Upon the timely request for an Alternative SDC Credit calculation, the Administrator shall review

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the Applicant's calculations and supporting evidence and make a determination within 21 days of submittal as to whether the Applicant's request satisfies the requirements of this Section.

2. In support of the Alternative SDC credit request, the Applicant must provide complete and detailed documentation, including appraisals, cost analysis or other estimates of value, analyzed and certified to by an appropriate professional, for the improvements for which the Applicant is seeking credit. The Applicant's supporting documentation must rely upon generally accepted sources of information, cost analysis and techniques of analysis as a means of supporting the proposed Alternative SDC credit.
3. The Administrator shall grant the Alternative SDC Credit if, in the Administrator's opinion, the following are found:
 - a. The improvement(s) for which the SDC Credit is sought are Qualified Public Improvement(s), and
 - b. The evidence and assumptions underlying the Applicant's Alternative SDC Credit request are reasonable, correct and credible and were gathered and analyzed by an appropriate, competent professional in compliance with generally accepted principles and methodologies, and
 - c. The proposed alternative SDC Credit is based on realistic, credible valuation or benefit analysis.
4. If, in the Administrator's opinion, any one or more of the above criteria is not met, the Administrator shall deny the request and provide to the Applicant by certified mail, return receipt requested, a written decision explaining the basis for rejecting the Alternative SDC Credit proposal.

D. Alternative SDC Exemption Request:

1. If an Applicant has requested a full or partial exemption under Section 17.15.050, and that request has been denied, the Applicant may request an Alternative SDC Exemption under this section. Any request for an Alternative SDC Exemption calculation must be filed with the Administrator in writing within 10 calendar days of the written decision on the initial credit request. The City shall not entertain such a request filed after 10 calendar days of the written decision on the initial credit request. Upon the timely request for an Alternative SDC Exemption, the Administrator shall review the Applicant's request and supporting evidence and make a determination within 21 days of submittal as to

whether the Applicant's request satisfies the requirements of section 17.15.050 for exemptions.

2. In support of the Alternative SDC Exemption request, the Applicant must provide complete and detailed documentation demonstrating that the Applicant is entitled to one of the exemptions described in section 17.15.050.
3. The Administrator shall grant the exemption if, in the Administrator's opinion, the Applicant has demonstrated with credible, relevant evidence that it meets the pertinent criteria in section 17.15.050.
4. Within 21 days of the Applicant's submission of the request, the Administrator shall provide a written decision explaining the basis for rejecting or accepting the request.

17.15.080 Payment.

(Amended by Ordinance Nos. 173437, 181322, 182389 and 183447, effective July 1, 2010.)

- A. The Transportation SDC required by this Chapter to be paid is due upon issuance of the Building Permit. However, in lieu of payment of the Full SDC, the applicant may elect to pay the SDC in installments as provided in ORS chapter 223 and Chapter 17.14 of this Code. If the Applicant elects to pay the SDC in installments, a lien will be placed against the property that is subject to the SDC, and that lien will be given first priority as provided by statute. The Applicant's election to pay the SDC by installments shall be memorialized in an SDC Deferral or Installment Agreement entered into by the Applicant and the City on a form provided by the City, and which may provide for the deferral of payments as set forth in Chapter 17.14 of this Code. In any event, the Applicant shall either pay the SDC in full or enter into an SDC Deferral or Installment Agreement as provided in this section, before the City will issue any building permits.
- B. Upon written request of the Bureau of Transportation, the City Auditor is authorized to cancel assessments of SDCs, without further Council action, where the New Development approved by the Building Permit is not constructed and the Building Permit is cancelled.
- C. For property that has been subject to a cancellation of assessment of SDCs, a new installment payment contract shall be subject to the code provisions applicable to SDCs and installment payment contracts on file on the date the new contract is received by the City.

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- D.** The City of Portland shall not be responsible for nor have any responsibility to honor or enforce agreements made by private parties regarding the payment or collection of SDC assessments.

17.15.090 Refunds.

(Amended by Ordinance No. 181322, effective January 1, 2008.) Refunds may be given by the Administrator upon finding that there was a clerical error in the calculation of the SDC. Refunds shall not be allowed for failure to timely claim credit or for failure to timely seek an Alternative SDC Rate calculation. The City shall refund to the Applicant any SDC revenues not expended within ten (10) years of receipt.

17.15.100. Dedicated Account and Appropriate Use of Account.

(Amended by Ordinance Nos. 181322 and 182652, effective April 8, 2009.)

- A.** There is created a dedicated account entitled the “SDC Account.” All monies derived from the SDC shall be placed in the SDC Account. Funds in the SDC Account shall be used solely to provide the SDC-CIP listed capacity increasing improvements according to the SDC-CIP as it currently exists or as hereinafter amended, and eligible administrative costs. All monies derived from the Overlay Rate Study shall be placed in a sub-account. The monies in the Overlay sub-account shall only be spent on projects serving the North Macadam urban renewal area. In this regard, SDC revenues may be used for purposes which include:

1. project development, design and construction plan preparation;
2. permitting;
3. right-of-way acquisition, including any costs of acquisition or condemnation;
4. construction of new through lanes for vehicular, transit, or bicycle use;
5. construction of turn lanes;
6. construction of bridges;
7. construction of drainage and stormwater treatment facilities in conjunction with new roadway construction;
8. purchase and installation of traffic signs and signals;
9. construction of curbs, medians and shoulders;
10. relocating utilities to accommodate new roadway construction;

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11. construction management and inspection;
12. surveying and soils and material testing;
13. construction of Accessways, bicycle facilities, Pedestrian Connections and Walkways;
14. landscaping;
15. bus pullouts, and transit shelters, fixed rail transit systems and appurtenances;
16. demolition that is part of the construction of any of the improvements on this list;
17. payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide money to construct or acquire transportation facilities;
18. direct costs of complying with the provisions of ORS 223.297 to 223.314, including the costs of developing system development charges methodologies and providing an annual accounting of system development charges expenditures.

B. Money on deposit in the SDC Accounts shall not be used for:

1. any expenditure that would be classified as a maintenance or repair expense; or
2. costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements; or
3. costs associated with acquisition or maintenance of rolling stock.

17.15.110 Challenges and Appeals.

(Amended by Ordinance Nos. 173121 and 181322, effective January 1, 2008.)

- A.** Any person with interest may challenge the expenditure of SDC revenues by filing a challenge to the expenditure with the Administrator within two years after the date of the disputed SDC revenue expenditure. The fee for filing such a challenge shall be \$250.

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- B.** Except where a different time for an Administrator's determination is provided in this Chapter, all determinations of the Administrator shall be in writing and shall be delivered to the Applicant within 21 days of an Application or other Applicant request for an Administrator determination. Delivery of such determination shall be deemed complete upon the earlier of actual delivery to the Applicant or upon deposit by the Administrator in the mail, first class postage prepaid, addressed to the address for notice Applicant has designated in the Application. Such determination shall be accompanied by a notice of the Applicant's right to appeal and an outline of the procedures therefore.
- C.** Any Applicant aggrieved by an Administrator's determination may appeal that determination to the Code Hearings Officer as provided in Chapter 22.10 of this Code. Notwithstanding any other provisions of this Code, there shall be a non-refundable fee of \$250 for any appeal pursuant to this subsection. Such fee must accompany any such appeal and no such appeal shall be considered filed or received until such fee is paid in full.
- D.** The City shall withhold all permits and other approvals applicable to the Applicant's property of the New Development pending resolution of all appeals under this Chapter unless the SDC is paid in full or the Applicant provides, for the pendency of the appeal, a financial guarantee or security for the charge in a form acceptable to the City Attorney

17.15.120 City Review of SDC.

(Amended by Ordinance Nos. 181322 and 182652, effective April 8, 2009.)

- A.** No later than every two (2) years as measured from initial enactment, the City shall undertake a review to determine the total SDC's assessed and collected by transportation district and the total SDC's expended and programmed by transportation district and project; to determine that sufficient money will be available to help fund the SDC-CIP identified capacity increasing facilities; to determine whether the adopted SDC rate keeps pace with inflation, whether the SDC-CIP should be modified, and to ensure that such facilities will not be overfunded by the SDC receipts.
- B.** In the event that during the review referred to above, it is determined an adjustment to the SDC is necessary for sufficient funding of the SDC-CIP improvements listed in City Rate Study or Overlay Rate Study or to ensure that such SDC-CIP improvements are not overfunded by the SDC, the City Council may propose and adopt appropriately adjusted SDCs.
- C.** The City Council may from time to time amend or adopt a new City Rate Study by resolution.

- D.** Beginning January 1, 2009 through December 31, 2012, the City shall undertake an annual review to determine the amount of Transit Oriented Development (TOD) exemptions provided by district.

17.15.130 Time Limit on Expenditure of SDCs.

The City shall expend SDC revenues within ten (10) years of receipt, based on the priorities in the SDC-CIP list.

17.15.140 Implementing Regulations; Amendments.

(Amended by Ordinance Nos. 171698 and 181322, effective January 1, 2008.) The City Council delegates authority to the Director of Transportation to adopt administrative rules and procedures necessary to implement provisions of this Chapter including the appointment of an SDC program Administrator. All rules pursuant to this delegated authority shall be files with the office of City Auditor and be available for public inspection.

17.15.150 Amendment of SDC-CIP List.

(Amended by Ordinance No. 182652, effective April 8, 2009.) The City may, by resolution, amend its SDC-CIP as set forth in the City Rate Study and Overlay Rate Study, from time to time to add projects the City deems appropriate.

17.15.160 Severability.

(Amended by Ordinance No. 181322, effective January 1, 2008.) The provisions of this Chapter are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any word, definition, clause, section or provision of this Chapter shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this Chapter shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. In the event a definition is held to be invalid or is severed, the defined word or term shall be deemed to have the meaning given to that word or term under Oregon law if Oregon law contains such a definition. If there is no established definition of the word or term under Oregon law, the word or term shall have its ordinary dictionary meaning. It is hereby declared to be the Council's express legislative intent that this Chapter would have been adopted had such an unconstitutional or otherwise invalid provision not been included herein.

Chapter 17.24

PERMITS

Sections:

17.24.010	Permits Required.
17.24.020	Fees and Charges.
17.24.025	Fees for Public Improvement Permits.
17.24.026	Fees for Review of Land Use Applications.
17.24.030	Application for Permit.
17.24.035	Deposit Required.
17.24.040	Refusal of Permit.
17.24.050	Contents of Permit.
17.24.055	Assurance of Performance.
17.24.060	Permit Conditions.
17.24.070	Engineering and Superintendence for Street and Transportation Facility Public Improvements.
17.24.080	Work Done Under Permit.
17.24.085	Original Documents Become the Property of the City.
17.24.090	Certificate by City Engineer.
17.24.100	Street Pavement Preservation.
17.24.110	Record of Permits.
17.24.120	Removal of Improvement.
17.24.200	Structural Driveway Defined.
17.24.205	Structural Driveways in Public Streets.
17.24.210	Permit Applications.
17.24.220	Engineer's Review.
17.24.230	Design Standards.
17.24.240	Permits.
17.24.250	Revocation of Permit.
17.24.260	Removal of Structural Driveways.
17.24.270	Fees.
17.24.280	Inspection of Construction Required.

17.24.010 Permits Required.

(Amended by Ordinance Nos. 140207, 161347, 173295 and 177124, effective January 10, 2003.)

- A. Any person desiring to make a public improvement, do work in, or use the street area must first obtain a permit from the City Engineer as prescribed in this Chapter, and pay the permit fees set forth in Section 17.24.020., except for maintenance activities allowed without a permit, as set forth in Sections 17.42.020 and 17.42.025.

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- B.** Except as set forth in paragraph E. below, no person shall be granted a permit to install, construct, reconstruct, repair, alter or maintain facilities for the distribution, transmission or collection of sewer, water, gas, petroleum products, steam, electricity, telecommunications, or other service and any associated wires, cables, poles, conduits, appliances or apparatus in, on, over, through or in any manner beneath the surface of the streets unless that person currently possesses a franchise or privilege granted by the City of Portland or is a City bureau charged with providing such service to the public to generate, transmit or provide any such service including but not limited to electricity, telecommunications, natural gas, sewer, water, stormwater, and pipeline services within the City.
- C.** Except for street or transportation facility construction and maintenance work done by or under contract with the City Engineer, and except for work allowed to be performed Sections 17.42.020 and 17.42.025, it is unlawful for any person to do any work or perform any act as set forth in this Title without first obtaining a permit. It is unlawful for any person to break up, dig up, cut, excavate or fill in any street or to construct any sidewalk, curb, gutter or to do any work in or upon any street or in any way to tamper with hard surface pavements without first obtaining a permit therefor and paying the fee prescribed in Section 17.24.020. The permit shall be obtained from the City Engineer unless specifically provided otherwise in this Title.
- D.** The failure of any permittee to comply with any and all permit conditions or related Code and Charter provisions while doing work in the street area shall be reasonable cause for revocation of the permit. Upon revocation of the permit the City may complete the work and charge such costs to the permittee.
- E.** Licensed plumbing contractors having a valid plumbing permit to install water service lines and a valid authorization from the Bureau of Water Works to connect to a public water meter may obtain permits to install water service lines between the property line and the public water meter.
- F.** The City Engineer may issue permits to the Bureau of Environmental Services for street openings to facilitate connections to public sewers and to install, repair and replace sewer mains, laterals, necessary appurtenances and drainage facilities constructed through public and local improvement procedures. The Bureau of Environmental Services shall obtain permits from the City Engineer for use of the street area in accordance with the schedule of fees set forth in Section 17.24.020.
- G.** The City Engineer may issue permits to the Bureau of Water Works for street openings to facilitate connections to the public water system and to install, repair, and replace water mains, laterals, and necessary appurtenances. The Bureau of Water Works shall obtain permits from the City Engineer for use of the street area in accordance with the schedule of fees set forth in Section 17.24.020.

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17.24.020 Fees and Charges.

(Amended by Ordinance Nos. 140207, 143622, 144020, 144130, 146587, 149428, 150765, 151642, 151907, 154665, 164289, 165519, 166696, 167861, 168944 170200, 171243 and 183829, effective July 1, 2010.) The Transportation Bureau Director and/or City Council may establish fees and charges.

If a larger fee is required elsewhere in this Title for any class of permit, the larger fee shall apply, otherwise the following fees and charges shall be paid unless the Transportation Director or Council has granted a specific permit for a different fee. All fees for recording permits and other documents with the County Recorder shall be paid by the property owner or permittee. All fees, charges, civil penalties, and fines established by authority of this Title will be listed in the Portland Policy Documents, as amended annually by Council effective with the fiscal year budget.

17.24.025 Fees for Public Improvement Permits.

(Added by Ordinance No. 146587; amended by Ordinance Nos. 148388, 151643 and 173295, effective April 28, 1999.)

- A. Engineering and superintendence services in connection with public improvement projects shall be charged in accordance with the schedule below, when either the City does design and survey or a consultant does design and survey. Direct cost shall be computed in accordance with the provisions of Chapter 5.48.030. The City Engineer shall review actual costs of engineering to insure that only usual and ordinary costs are included.

Final Engineer's Estimate	
Engineering and Superintendence Fee	
Under \$10,000	75% of direct cost
\$10,001 to 25,000	85% of direct cost
Over \$25,000	100% of direct cost

- B. For public improvement projects for which the City does design and survey, application for a permit requires a deposit of one-half of the estimated total permit fee; the balance of the fee is due prior to issuance of the permit. For projects for which a consultant does design and survey, application for a permit requires a deposit of 20 percent of the estimated total permit fee; the balance of the fee is due prior to issuance of the permit.
- C. Prior to the issuance of the certificate of completion by the City Engineer the fees charged to the permittee will be adjusted to agree with the actual costs of services as recorded by the City Engineer. The remaining balance, if any, after payment of all costs shall be returned to the permittee. If additional funds are required from the permittee, they shall be paid prior to the issuance of the certificate of completion.

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17.24.026 Fees for Review of Land Use Applications.

(Added by Ordinance No. 173978; Amended by Ordinance No. 182389, effective January 2, 2009.) The Bureau of Transportation shall establish fees which recover the Bureau of Transportation's costs of participating in pre-application conferences and reviewing applications for land use approvals which are required by either Title 33 or Title 34 of the Code of the City of Portland.

A. Policy.

1. Fees are not intended to exceed the Bureau of Transportation's average cost of processing the type of review requested or average cost of participating in pre-application conferences.
2. Fees shall include direct costs and overhead charges.
3. Fee schedules shall be updated regularly and made available in the Permit Center.

B. Required Fees.

1. Each request for a pre-application conference shall be accompanied by the applicable fee.
2. All land use review applications requested must be accompanied by the applicable fee.

C. Concurrent Applications. When more than one review is requested on the same project, the fee for the most expensive review will be charged, plus one half of the fee for the other reviews.

D. Appeal Fees. The process and charges for appeals shall be as set forth in Chapter 33.750.030 C. Appeal Fees.

E. Fee Waivers. The Bureau of Transportation will waive its pre-application and review fees in those cases where the Planning Director has granted a fee waiver under the provisions of 33.750.050.

F. Refunds. The Bureau of Transportation will refund fees under the following circumstances:

1. **Unnecessary Fee.** When a fee is accepted by staff for a land use review that is later found to not be required, a full refund will be made.

17.32.010 Permit Required.

- A.** It is unlawful for any person to take the following actions without first obtaining the appropriate permit and paying the fees as prescribed in Chapters 17.24 and 17.32:
- 1.** Dig up, break into, excavate, disturb, dig under, or undermine any public street or public sewer easement for the purpose of laying or working upon any sewer, pipe, culvert, or sewer or drain appurtenance or improvement of any kind;
 - 2.** Make connection with, obstruct or interfere with the sewer system or existing drainage;
 - 3.** Cut or break into the public sewer system;
 - 4.** Connect the blowoff or exhaust pipe of any boiler, steam engine or other pressurized facility with the public sewer system; or
 - 5.** Direct water, from any source, on private property to run onto any public sidewalk, street or right of way.
- B.** In the case of leakage or breakage in any sewer pipe, drain or conduit requiring emergency action, any otherwise authorized person may commence repairs on the same without first obtaining a permit provided that:
- 1.** The authorized person immediately notifies the Chief Engineer and the City Engineer; and
 - 2.** The authorized person files an application for a permit with the Chief Engineer, complies with any permit conditions thereon, and pays the fees required in Chapters 17.24 and 17.32; and
 - 3.** The work is performed in compliance with the City Engineer's requirements for traffic control and protection of the public.
- C.** Repair of nonconforming sewers located in public right of way is prohibited unless the Chief Engineer determines that it is in the public interest to allow the nonconforming system to operate.
- D.** The Bureau of Transportation, without permit but with the approval of the Chief Engineer, may construct and attach to the public sewer system stormwater inlets, leads, and other such facilities as are needed to provide stormwater drainage for public streets.

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- E.** The Chief Engineer will establish a permitting program by Administrative Rule which shall include requirements for application submittal, permit issuance, inspection, warranty, insurance and bond requirements shall be described in Administrative Rules.

17.32.015 Permit Fees.

(Amended by Ordinance No. 183965, effective July 30, 2010.)

- A.** Sewer Connection Permits. Sewer permit fees shall recover the cost of all City reviews including all applicable overhead charges. Overhead rates shall be computed annually by the Director and kept on file with the City Auditor. If a larger fee is required elsewhere in this Title for any class of permit, the larger fee shall apply; otherwise, the fees established by general ordinance shall be paid for permits unless the Council, by Ordinance or Resolution, has granted a specific permit for a different fee.
- B.** Public Sewer or Drainage Improvement Permits. The City shall recover the true costs of engineering and superintendence services in connection with public sewer or drainage improvement projects based on City records of time, materials, services, overhead and indirect costs incurred to provide the services. The Bureau shall recover the costs of engineering and superintendence for all public sewer or drainage improvements, whether performed by contract in the name of the City, by private contract between a permittee and a contractor, or directly by the permittee.
- C.** All fees shall be paid prior to receiving a permit and commencing work.

17.32.020 Application for Connection Work Permit.

- A.** Any person who desires a connection work permit as required by Section 17.32.010 shall apply in writing to the Bureau of Environmental Services and pay the permit fee prescribed in Section 17.32.015. The application shall include the name of the street in which work is to be done, or if not working in a named street, a description of the proposed or existing easement or right of way, the purpose of the work, the location and potentially affected components of the public sewer system, the location of any affected drainage, and the location of the building or lot, if any, to be connected by the work.
- 1.** If the application is for a permit to connect any occupancy other than a commercial or industrial occupancy with any component of the public sewer system or drainage improvement, it shall specify the location and the area to be drained, together with such other information as the Chief Engineer may require.

provided in the definition of temporary structures. Temporary structures are not exempt from paying draining service charges.

17.36.050 Partial and Full Exemptions of Sanitary and Stormwater System Development Charges for Affordable Housing Developments.

(Replaced by Ordinance No. 183448, effective July 1, 2010.) The purpose of this Section is to reduce the costs of developing permanent affordable housing by waiving sanitary and stormwater system development charges for qualified affordable housing developments. This Section advances a Council-recognized public policy goal to provide for a diversity of housing types to meet the needs of the citizens of the City. Affordable housing is exempt from sanitary and stormwater system development charges pursuant to Section 30.01.095.

17.36.060 Agreements with Governmental Agencies for Sanitary Sewer and Stormwater Management Services.

The Director is authorized to enter into agreements for and on behalf of the City with any special service district or governmental agency authorized to contract on behalf of property outside the City but within the district or agency. The agreements may provide for payments to the City by the districts or agency, in lieu of payments by individual property owners or occupants. Bonds or other securities may be waived by the Director in agreements provided for in this Section. All other provisions of this Title applicable to sewer system connection charges, user charges or to agreements with individual property owners remain in full force and effect.

17.36.070 User Charges.

Sewer user service charges, as authorized by the Charter, are established and made effective as follows:

- A. Sanitary Sewer Services. Except as otherwise provided by this Title, the City calculates and collects user charges for sanitary sewer services from ratepayers who cause or permit the discharge of sanitary sewage from a property in their possession into the public sewer system. The charges begin upon connection to the public sewer system. Charges for sanitary sewer services may include sanitary sewer volume charges, account service charges and penalties for non-payment or late-payment of sewer charges and other charges as provided for in this Chapter. The City calculates the following charges based on rates established, annually, by general ordinance:
 - 1. Dwelling units. Charges for dwelling units are based on the volume of sewage discharge to the sanitary sewer system. The Bureau may elect to use the water meter consumption as the calculation for the sanitary sewage discharge. To avoid including irrigation water usage in this calculation, the Bureau will establish a procedure that allows for irrigation credit. When a water meter reading is not available, a sanitary sewer discharge estimate

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shall be made based on the ratepayer class of characteristics as determined by the Director.

2. Commercial, industrial and all occupancies other than residential. The City calculates charges for commercial, industrial and all occupancies other than residential based on the amount of incoming water volume as measured by the City water meter or information from the water district serving the property or by a Bureau approved meter that measures actual discharge volume. Discharge meters must meet the current standards for such meters as described by the Director. To establish reduced charges or credit for water not subject to sewer charges, ratepayers must comply with the requirements of this Chapter. If a sewer customer does not have a City meter or water district meter measuring the supply of water to the property, the private water supply must be metered in accordance with this Chapter. In areas served by separated storm and sanitary sewer systems, the City may accept the discharge of contaminated stormwater into the sanitary sewer. The discharge volumes will be based upon the impervious area producing the contaminated stormwater and the average rainfall or a discharge meter. The discharge will be charged based on sanitary sewer volume rates.
 3. Combined dwelling units and other. Where dwelling units and other occupancies are combined on the same water supply, the City calculates charges for sanitary sewer service in the same manner as those for commercial, industrial and all occupancies other than residential.
- B. Stormwater Management Services.** Except as otherwise provided by this Title, the City calculates and collects user charges for stormwater management services based on rates established, annually by general ordinance. Ratepayers who receive a direct or indirect benefit from City stormwater management services are subject to the user charge. The ratepayer identified on the City utility billing account is assumed to be the user of stormwater management services and responsible for the user charge. If the property is not subject to other City utility charges, the Director will determine the ratepayer responsible for the user charge.
1. **Billing Components.** The user charge consists of the following components:
 - a. **Stormwater On-Site.** The user charge rate for the on-site component is 35% of the stormwater management services rate.
 - b. **Stormwater Off-Site.** The user charge rate for the off-site component is 65% of the stormwater management services rate.

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2. Basis for charge. User charges are calculated based on the user's proportionate share of stormwater management services. For administrative purposes, the user's proportionate share is assumed to be perfectly correlated with the amount of impervious area on the user's site. Unless the Bureau measures actual site characteristics, impervious area is assumed to be the average impervious area for the user's class as shown in the most recent rate study.
 3. Dwelling units. The City uses the following class averages of impervious areas for calculating user charges for dwelling units located on a single property or tax lot:
 - a. One and Two Dwelling Units - 2,400 square feet
 - b. Three Dwelling Units - 3,000 square feet
 - c. Four Dwelling Units - 4,000 square feet
 - d. Five or More Dwelling Units – Measured impervious area
 4. Properties other than dwelling units. The City calculates the ratepayer's proportionate share of stormwater drainage system services based on the amount of impervious area on the site.
 5. Drainage Districts. The City calculates and collects payments for stormwater management services from Multnomah Drainage District No. 1, Peninsula Drainage District No. 1, and Peninsula Drainage District No. 2 under an Intergovernmental Agreement. The district charges are made in lieu of user charges for properties located within the boundaries of the districts.
- C. Willamette River/Portland Harbor Superfund. The City calculates and collects user charges for the Willamette River/Portland Harbor Superfund Program based on rates established, annually, by general ordinance. Ratepayers who receive a direct or indirect benefit from the public sewer system and City stormwater management services are subject to the user charge. The ratepayer identified on the City utility billing account is assumed to be the beneficiary of the program and responsible for the user charge. If the property is not subject to other City utility charges, the Director determines the ratepayer responsible for the user charge.
1. Billing Components. The user charge appears as a single item on the City utility bill, and is the sum of two rate calculations:

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- a.** Sanitary Volume. This portion of the user charge is calculated in the same manner as the user charge for sanitary sewer services, based on a Willamette River/Portland Harbor Superfund Sanitary Volume rate.
- b.** Impervious Area. This portion of the user charge is calculated in the same manner as the user charge for stormwater management services, based a Willamette River/Portland Harbor Superfund Impervious Area rate.

D. Service outside the City:

- 1.** The City charges for the use of sanitary sewer and stormwater management services from properties outside the City based on rates established, annually, by general ordinance.
- 2.** Business, industrial, commercial, and all other non-residential services outside the City:
 - a.** The Director may require, and is authorized to enter into agreements for and on behalf of the City, permitting connection and providing sanitary sewer or stormwater management services to commercial and industrial properties outside the City when he/she finds such service feasible and appropriate. The Director may conduct such investigations as deemed necessary in connection with the application of any non-residential occupancy to connect with the public sewer system or stormwater management facility. The Director must approve the design and location of all sewers or stormwater management facilities prior to their connection. The City requires street opening permits from the appropriate authority in the jurisdiction wherein the sanitary sewer or stormwater management facility is located.
 - b.** The Director may require the owner, tenant or lease holder to post a cash or surety bond in the sum of not over \$4,000, as one of the conditions for entering into an agreement allowing connection from commercial or industrial property outside the City. The bond shall be deposited with the City Treasurer and shall be declared forfeited upon certificate by the Director, approved by the Commissioner-in-Charge, in case of delinquency of more than 30 days in the payment of the sewer user service charge.
- 3.** Determination of which property is outside the City. The Director determines whether any residential or business, industrial, commercial,

institutional or other property is inside or outside of the City limits. For purposes of this Section, the property is outside of the City limits where 66.7 percent or more of the assessed valuation of the property is recorded in the records of the County Assessor as lying beyond the City limits.

17.36.080 Special Provisions.

- A.** Establishing reduced charges or credit for water not subject to sewer user charges. Prior to any use of water that may be subject to reduced or special charges, and prior to installation of any meter for the purpose of obtaining reduced sewer charges, the owner must submit a written credit request for approval by the Director. A request for such credit must include a mechanical plan showing the proposed meter location, access route to the meter, the water supply or source, the cooling or other water using equipment, and the discharge point. At no time may a reduced charge or credit be given retroactively (prior to the date of approval); no reduced sewer rate or charge may be given until the Director has approved the request and the meter location plans and installation. Any meter or method, used for calculation of a reduced rate or credit, is subject to the administrative or special meter charge for each such meter or method as established, annually, by general ordinance. All meters used to obtain a reduced sewer user charge must conform to the provisions of this Chapter.
- 1.** Clean water to sanitary or combined sewer charges. The Bureau calculates these charges based on the commercial sewer volume rate when uncontaminated groundwater or other uncontaminated water, such as that used for refrigerating or cooling purposes or condensed from steam and put to no other use, is discharged to a public sanitary or combined sewer under City control.
 - 2.** Clean water to storm only charges. The Bureau calculates these charges based on the commercial clean water to storm sewer volume rate when uncontaminated groundwater or other uncontaminated water, such as that used for refrigerating or cooling purposes or condensed from steam and put to no other use, is discharged to a public separated storm sewer and not connected to a combined sanitary system under City control.
 - 3.** Discharges from publicly owned drinking fountains. The Bureau calculates these charges based on the drinking fountain volume rate and the volume of water that is discharged from publicly owned drinking fountains to a sanitary or combined sewer. Discharges from publicly owned drinking fountains to a public separated storm sewer are charged a volume rate for commercial clean water discharged to a storm sewer.

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4. Water not subject to sewer charges. The Bureau may exempt from user charges water that is used in a manufactured product such as ice, canned goods or beverages; or for water lost by evaporation or used in irrigation on a written request for such credit. After approval by the Director, the owner or other person in control of the premises, must install meters or provide other means of determining the quantity of water so used to the satisfaction of the Bureau.
5. When clean water discharged to a public sewer system is not from a separate metered supply, the owner or other person in control of the premises, after approval by the Director, must install meters or provide other means of determining the quantity of water so used to the satisfaction of the Bureau.

B. Conditions for revoking reduced charges or credits.

1. Failure to repair a defective meter within 30 days after notice by the City that the meter is defective revokes the applicability of Paragraphs 1. and 2. of Subsection A. above. In such cases, user charges, at the regular rate, must be paid on the full amount of water passing through the supply meter during these 30 days. The regular sewer rate continues in effect until such time as the owner or person in charge of the premises formally notifies the Director that the meter has been repaired. At no time may a reduced charge or credit be allowed retroactively, or for a period in which the meter is defective.
2. Failure to report quantities of water subject to reduced charge or credit for two consecutive months revokes the applicability of Paragraphs 1. and 2. of Subsection A above. In such cases, user charges, at the regular rate, must be paid on the full amount of water passing through the supply meter during these 60 days. The regular sewer rate continues in effect until such time as the owner or person in charge of the premises formally notifies the Director that the reports will continue. At no time may a reduced charge or credit be allowed retroactively, or for a period in which no reports were submitted.

C. Meters required. Where private meters are used to determine the amount of water reaching the sewer, the owner or person in charge of the premises must give City employees the right of access at all reasonable times for the purpose of reading, inspecting or testing the meter. The owner is responsible for purchasing, installing, maintaining, and calibrating the private meter and must comply with all provisions in this Title. Failure of the owner, his lessee, or others acting under him to maintain the meter in good working order constitutes a violation of this Chapter and during the period of the meter's non-operation and pending the

proper repair and reinstallation of the meter, the account may be billed on the basis of three times the normal water usage or in such an amount as deemed proper by the Director.

1. In cases where water is supplied solely from a private source or sources such as wells, springs, rivers or creeks, or forms a partial supply in addition to that furnished by the water system of the City, the private supply must be metered and any meters so used must conform to the provisions of this Chapter. Residential properties may elect to be billed based on the characteristics of this class of user as determined by the Director.
 2. Discharge meters. Where there are several water supplies or various uses of water that would be eligible for credit or charges under the various Sections of this Chapter, upon approval of the Director, a discharge meter may be installed in lieu of several submeters or other measurement methodology.
- D.** Estimating wastewater discharges. User charges as provided in this Chapter are applicable to all wastewater discharges to the City sewer system regardless of the source. In unusual circumstances where the wastewater is not from a fixed location, such as ships, barges, houseboats and other movable facilities or dwelling units, a method of determining the volume provided by the user may be used if approved by the Director. Otherwise, the Director estimates the volume of water to which user charges apply and this determination is final. The rate of charge is the same as though the water originated from a local, public or private source.
- E.** Where the user charges established by Code or general ordinance, are inappropriate for the service provided, the Director may establish the appropriate charges based on the unit costs developed in the most recent rate study. The new charge so established must be filed with the Council Clerk and may be reviewed by the Council on the motion of any member of the Council.

17.36.090 Meters.

Meters that are used under the provisions of this Chapter must conform to the conditions set forth in this Section, and must be approved by the Director as to type, maintenance, calibration schedule, size and location before installation.

- A.** All meters must register in cubic feet.
- B.** Meters installed on water systems supplied from private or public sources and used to measure cooling, irrigation, evaporation or product water for the purpose of obtaining reduced sewer charges must be connected in such a manner as to

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register only that portion of the water supply used for that purpose, and not used for sanitary purposes.

- C.** Meters placed below the ground or pavement surface must have the top of the meter not more than 8 inches below the surface and must be enclosed in a standard water meter box and cover as used by the Portland Water Bureau. Meters located above the ground or floor level must not be more than 3-1/2 feet above the ground or floor level.
- D.** All meters must be located in an area that is accessible at all times; the meter must be so located that no locked door or gate shall be encountered by a City employee when inspecting the meter. Meters must not be located adjacent to dangerous machinery or structural hazard; the extent of such hazards shall be determined by the Director.
- E.** For purposes of calculating user charges, owners of meters must implement a program to ensure meter accuracy. The program should consider the manufacturer's periodic maintenance and calibration requirements. All maintenance and calibration records must be retained and available for review by City personnel.

17.36.100 Clean River Rewards.

- A.** Objectives. The objectives of the Clean River Rewards are to increase ratepayer control over stormwater management charges and to advance City environmental goals. The City achieves these objectives by providing economic incentives, technical assistance, and environmental education to ratepayers who control and manage the quality and quantity of stormwater runoff on their private property.
- B.** Authority. The Director is authorized to establish and administer Clean River Rewards, and promulgate administrative rules to implement the program. The rule must contain the following elements:
 - 1.** definitions for all terms and concepts that are unique to Clean River Rewards, unless otherwise referenced in City Code;
 - 2.** criteria to be used by the City to determine eligibility for Clean River Rewards;
 - 3.** methods for calculating the amount of incentives and discounts to be awarded to eligible registrants;
 - 4.** procedures for verifying the validity and accuracy of incentives and discounts, and enforcing administrative rules; and

5. procedures for review and reconsideration of Bureau decisions upon request of ratepayers.

17.36.110 Extra-Strength Wastewater Charges.

- A. Wastewater discharged to a City sewer, either directly or indirectly, is subject to the extra-strength sewage charge if the discharge has a biochemical oxygen demand or a total suspended solids concentration in excess of concentrations determined by the Director. The Director may establish concentrations of other pollutants which are to be subject to extra-strength sewage charges, and for the period until the next rate study, the rates to be charged for exceeding those levels, as established, annually, by general ordinance. Payment of the extra-strength sewage charge does not relieve the discharger of responsibility for all other applicable provisions of Chapter 17.34 Sanitary Wastewater Discharges.
- B. Basis of extra-strength sewage charge rates.
 1. Monitoring. The average concentration of daily representative samples taken over a representative period of 5 days is used to begin an extra-strength sewage charge rate for a rolling average, except when another period is specified by the Director. Samples are taken at an approved sampling manhole or other appropriate location, as determined by the Director, so that samples will be representative.
 - a. Self-monitoring. The Director may authorize reporting by users for the purposes of calculating extra-strength sewage charge rates.
 - b. Self-monitoring data. The Director may allow a user to submit monitoring data in support of extra-strength sewage charge rate calculations. Samples of wastewater being discharged into the sewer system must be representative of the discharge.
 - c. Split samples. The Director may allow samples collected by the City for the purpose of determining an extra-strength sewage charge rate be split with the user, as provided for in procedures issued by the Director.
 - d. Analytical procedures. All analytical data submitted for calculating extra-strength sewage charge rates must be in accordance with procedures approved in Guidelines Establishing Test Procedures for the Analysis of Pollutants, contained in 40 CFR 136 and amendments thereto as published in the Federal Register.

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- e. Monitoring reports. Self-monitoring reports must include sufficient information, for purposes of calculating the rolling average for Extra Strength Sewer Charges. At no time shall the number of Extra Strength Sewer Charges slugloads exceed two per calendar year.
 - f. Other charge computations. If unusual effluent conditions make calculation by the composite method difficult or impossible, the Bureau may implement another method of sampling and computation acceptable to the Director, and based on the rates established, annually, by general ordinance.
 - g. Additional sample requests; fees. Any user subject to rolling average monitoring may request the City to collect samples in excess of the prescribed criteria. Requests for the City to collect additional samples must be submitted in writing and accompanied by full payment, in accordance with the resampling fees established, annually, by general ordinance.
 - h. Slugloads. The Director may allow the slugload provision as defined in Chapter 17.34 of this Code for purposes of Extra Strength Sewer Charges if the following conditions are met:
 - (1) The discharge is non-representative of the industrial discharge;
 - (2) The slugload was reported to the City within 24 hours of the incident;
 - (3) The sample result from the slugload exceeds 3 times the established standard deviation. Once the Director allows the slugload provision, the City will follow the standard procedure for slugload as defined in Chapter 17.34 of this Code. The sample results will be used for calculating a single Extra Strength Sewer Charge based on the duration of the slugload and the concentrations of the results. The results will not be used for purposes of calculating the rolling average for Extra Strength Charges. The number of Extra Strength Sewer Charges slugloads may not exceed two per calendar year.
- 2. Concentration. Pollutants in excess of the allowable concentrations, specified in this Title, and by general ordinance, are subject to the extra-strength sewage charge rate (in dollars per 100 cubic feet) for the period

throughout the time interval between sample periods or as defined by the Director.

3. Volume. The volume used to bill the extra-strength charge must be the total metered water supply to the premises. However, where the industrial wastewater is discharged separately from domestic sanitary wastes or cooling waters, and the industrial user provides a meter or other acceptable method of determining the quantity of water not subject to the extra-strength sewage charge, then an appropriate allowance for such other uses must be made.
- C. Billing. Extra-strength sewage charges are either included with the City utility bill or are billed separately by the City Auditor. Extra-strength sewage charges are enforceable and collectable in the same manner as water and sewer user charges. If such charges are not paid pursuant to Title 21 of this Code, such nonpayment is cause for termination of water and/or sewer services.
- D. Minimal charges; suspension. The Director may establish a minimum limit for periodic extra-strength charges. The billing for all accounts whose periodic extra-strength sewage charges are below this minimum limit will be suspended until such time as they are found to be higher.
- E. Adjustments. The Director may sample sewage strength as outlined in this Section and adjust charges where applicable at any time in accordance with the most recent analysis.

17.36.120 Other Charges.

Building plan review fees. The Bureau collects fees for the review of building plans and land use proposals to ensure compliance with requirements for sewage disposal, stormwater management, and for determining routes of service. Fees are established annually, by general ordinance, and paid at the time the plans or proposals are submitted for review to the City.

17.36.130 Computing and Billing.

In cases where City utility bills apply, the user charges, provided in this Chapter, are computed monthly, bimonthly, or quarterly, and billed to the responsible party described in Code Section 21.16.030 Billing Responsibility at the same time as the user charges for water service and added thereto; or otherwise, as may be authorized by the Council. When billed with the utility bill, user charges are due and payable on the dates and at the places provided for the payment of user charges for water service. The City may prorate user charges for a portion of a utility billing period based on the effective date of the sanitary sewer or stormwater management service.

17.36.140 Certain Installations Unlawful.

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It is unlawful to so install, change, bypass, adjust, or alter any metering device or any piping arrangement connected therewith as to show the quantity of water reaching the public sewer under City control to be less than actual quantity.

17.36.0150 Identification of Inspectors.

Each City employee going upon private premises for the purpose of reading, inspecting or testing any metering device installed under the provisions of this Title, must wear, in a conspicuous place, upon the exterior of his or her clothing a readily discernible badge identifying the employee as a sewer user service inspector. Each City employee, when acting as a sewer user service inspector, must also carry credentials from the Bureau of his or her employment, which he or she must show upon demand of any owner or person in charge of the premises entered.

17.36.160 Collection.

- A.** Use service charges are a personal obligation of the ratepayer and shall become due, and be collected monthly, bimonthly, or quarterly, coincident with user charges for water service. For ratepayers who do not receive water service from the City, the Bureau will cause the user charges to be computed and billed monthly, bimonthly, or quarterly. Any bill for a user charge, whether included with user charges for water service or otherwise, is delinquent and subject to collection charges if not paid in accordance with the collection schedule published in the annual rate ordinances. Nonpayment of delinquent user charges will result in water shutoff when the premises are furnished water service by the City; pursuant to Title 21 of this Code.
- B.** All charges for services provided directly by the City are chargeable to the user of said service at that premises (or any former premises where services were supplied). If the premises are not in use, all charges (not including charges incurred by a prior tenant other than the owner) are the responsibility of the owner as the person with the right to possession of the premises. A property owner or his agent may become obligated for charges for furnishing such services to the user by accepting responsibility for payment, or by agreement with the City. Where a user or property owner has a delinquent bill for one premises, this delinquency is a charge against the user or property owner (for sewer service obtained) at any of his or her other premises serviced by the City.
- C.** The Director, with approval of the Commissioner-in-Charge, may discontinue sanitary sewer service by disconnecting and plugging the sewer service line to properties whose delinquent user charges exceeds \$10,000 for a period of 90 days or more. Ratepayers and property owners must be notified in writing of the City's intent to disconnect the sewer not less than 30 days prior to disconnection. Payment of the delinquent amount, including outstanding user charges, accrued interest and collection costs, and all costs associated with disconnecting and

reconnecting the sewer line, must be received by the City before the property may be reconnected to the sewer. The delinquent amount remains the responsibility of the ratepayer. In the event a ratepayer who is not the owner terminates their lease and moves from a disconnected property before reconnection has occurred, the City will reconnect the property and collect the cost as well as all delinquent amounts from the ratepayer who originally incurred the charges.

17.36.170 Deposit and Application.

An application, deposit, or both, for sanitary sewer or stormwater management services may be required from all new ratepayers, ratepayers whose service has been shut off for nonpayment, or persons with unsatisfactory credit who are requesting services. Unsatisfactory credit is defined as shut off for nonpayment of water or sewer charges within the past year. Failure to provide either the application, deposit, or both within the due date specified by the City may result in discontinuance of service.

17.36.180 Adjustment of Bills.

- A.** When the Bureau determines that a billing error has occurred, the Bureau may authorize an adjustment of the ratepayer's utility account for the period of the error, not to exceed three years from the date the error is identified.
- B.** Except as set forth in this Subsection, a ratepayer's eligibility for an adjustment will end six months after the date a final bill was issued for the subject account. The Director make authorize an adjustment to the ratepayer of a closed utility account, more than six months after the issuance of the account's final bill, based on the following criteria:

 - 1.** The Bureau finds that the ratepayer was billed for sanitary sewer services for a property that was not connected to the City's sewer system; and
 - 2.** The error is discovered after the six month deadline for adjustments to a final bill; and
 - 3.** The request is made in writing by the ratepayer of record at the time the billing error occurred; and
 - 4.** The adjustment is limited to the sanitary sewer user charge; and
 - 5.** The Director finds that the adjustment is necessary to protect the financial condition of the sanitary sewer utility.
- C.** Adjustments will be in the form of credits or additional charges to active utility accounts. The City may not issue refunds for billing adjustments unless approved by the Director. Refunds are chargeable to the Sewer System Operating Fund.

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- D.** Ratepayers who receive a back billing or a delayed billing will be offered the opportunity to pay the balance due over a set period based on current City collection policies.

Chapter 17.80

PLATS AND DEDICATIONS

Sections:

- 17.80.010 Approval by City Engineer.
- 17.80.020 Appeal.

17.80.010 Approval by City Engineer.

(Amended by Ordinance No. 184046, effective September 10, 2010.) No new Subdivision plat of lands within the City nor of any addition to the same shall be filed for record, nor shall any street, alley, or other way be dedicated, until the plat or dedication has been submitted to the City Engineer together with proof that all special assessments on the property included have been paid, or bonded under the provisions of this Title relative to local improvement assessments, and until the City Engineer has endorsed thereon his certificate that the special assessments appear to have been paid, or payment has been provided for by bonding, and that the plat of the lands or addition, or dedication of street or way is of a suitable and convenient character. If a portion of property covered by a bonded assessment is sought to be subdivided or dedicated, the owner must first obtain an apportionment of the assessment lien in accordance with procedures set forth in the City Charter. Whenever any plat of any addition or Subdivision of land within the corporate limits of the City is submitted to the City Engineer by the Planning and Sustainability Commission, it is his duty, before approving plat, to require that all streets and alleys marked on said plats be of adequate width and he may require the streets and alleys to be aligned with other streets and alleys or extensions thereof, abutting on the land to be platted.

17.80.020 Appeal.

Any person aggrieved by the refusal of the City Engineer to certify to a plat or dedication in accordance with the provisions of Section 17.80.010 may appeal to the Council by filing a written notice of appeal with the City Auditor within 10 days after refusal, and the Council shall hear and determine the matter with all convenient speed. If it reverses his decision, a certified copy of the resolution declaring the action shall be attached to the plat or dedication in lieu of the certificate.

Chapter 17.84

VACATIONS

Sections:

- 17.84.010 Plat Must Be Filed.
- 17.84.020 Fees.
- 17.84.030 Preliminary Consideration of Petition.
- 17.84.040 Bond or Cash Deposit.
- 17.84.050 Statutory Procedures Applicable.
- 17.84.060 Consent to Vacation for City as Owner.
- 17.84.065 Vacation on Council's Own Motion; Notification.

17.84.010 Plat Must Be Filed.

No vacation of a street, public place or plat shall become effective until the ordinance providing for the vacation and a plat, as provided by law, has been filed in the office of the county clerk of the county where the street, public place or plat is located. The cost of the filing and the preparation of the plat shall be paid by the person petitioning for the vacation.

17.84.020 Fees.

(Replaced by Ordinance No. 172859, effective December 12, 1998.)

- A.** Whenever a request for a petition for the vacation of a street, public place or plat, or any part thereof is presented to the City Engineer, the person making the request shall pay to the City Engineer a fee for preparation of the petition for vacation. The fee for this service shall be established annually by the City Engineer and shall recover full costs including all applicable overhead charges.

- B.** When a completed petition is presented to the City Auditor for filing and consideration by the Council, the person presenting the petition for the vacation shall pay to the City Auditor a fee, established by the City Engineer, to cover the estimated costs of processing the petition. All departments or bureaus involved in processing a vacation shall keep records of the costs incurred on each individual vacation proceeding and shall submit such costs to the City Engineer prior to passage of the vacating ordinance. If the actual cost of advertising and expenses, and all processing costs, including employee salaries and applicable overheads, related to the vacation exceed the fee collected, a sum sufficient to cover all such costs shall be collected before the vacation is completed, and payment thereof shall be a condition of the vacating ordinance.

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- C. The Council, upon hearing the petition, may grant the same in whole or in part or deny it in whole or in part, and may make reservations or conditions as appear to be in the public interest. The reservations or conditions may pertain to:
1. The maintenance and use of underground public utilities or service facilities in the portion vacated;
 2. Limitations on use of the area above and adjacent to underground utilities or service facilities;
 3. Moving at petitioner's expense of utility or service facilities either below, on or above the surface;
 4. Construction, extension or relocation of sidewalks and curbs;
 5. Grading or pavement extensions;
 6. Dedication for street use or other area in lieu of the area to be vacated;
 7. Replat; and
 8. Any other matter of like or different nature relating to the vacated area and remaining or relocated street area adjacent to petitioner's property, or area dedicated in lieu of the vacation area.

17.84.030 Preliminary Consideration of Petition.

(Replaced by Ordinance No. 182760; Amended by Ordinance No. 184046, effective September 10, 2010.) Pursuant to ORS 271.080 through 271.100, when a petition for the vacation of a street, public place or plat is presented to the City, the Auditor shall review the petition as provided by the statutes, and shall submit the petition to the Commissioner-in-Charge of the Bureau of Transportation, City Engineer and Bureau of Planning and Sustainability for review. The Commissioner in charge of the Bureau of Planning and Sustainability shall refer the petition to the Planning and Sustainability Commission for action. The Commissioner in charge of the Bureau of Planning and Sustainability shall prepare a report to Auditor containing the findings and recommendations of the Planning and Sustainability Commission and City Engineer, and shall submit the report and petition to Council for consideration. The report may include recommended conditions of approval. Upon receiving the report of the Commission, the Auditor shall file the petition and forward the petition and Commissioner's report to the Council for its preliminary consideration as provided by ORS 271.100. This review process shall be completed before the City publishes or posts public notices of the contemplated vacation.

17.84.040 Bond or Cash Deposit.

When the Council is petitioned to vacate any street, public place or plat or part thereof, in which water mains, fire hydrants, police or fire alarm system, gas mains, steam heating mains, conduits, sewer mains or laterals, manhole structures, poles, wires or other utility or public service facilities are constructed and maintained, and the proposed vacation will require the removal of the utility or public service facilities or any portion of them, or if curbs or sidewalks are required to be extended or relocated, or if grading or additional paving is required, the ordinance vacating the street or part thereof may provide that the vacation shall not be effective unless the petitioner shall file with the Auditor of the City his acceptance of the terms and provisions of the ordinance together with a surety bond or cash deposit, in such sum as shall be fixed by the Council. The surety bond or cash deposit shall be to the effect that, in the event the vacation is granted, the petitioner will, within 90 days or such other time as the Council may fix after the vacation ordinance is effective, remove or have removed by the owner, all or any part of the utility or public service facilities as required by the vacation ordinance and reconstruct and relay the facilities or have them reconstructed and relaid by the owner in the places as may be required by the City Engineer, and obtain other work as required by the ordinance in the manner directed by the City Engineer, all at the expense of the petitioner.

17.84.050 Statutory Procedures Applicable.

The provisions applicable to a vacation, set forth in ORS 271, shall apply to each vacation. Alternative procedures therein allowed may be followed.

17.84.060 Consent to Vacation for City as Owner.

Whenever City owned property abuts area of a street or plat sought to be vacated by petition, or is located within "affected area" fixed by statute, the Mayor, City Commissioner or City Commission under whose jurisdiction the property has been placed may sign consent to the vacation as an owner for the purpose of Council jurisdiction and consideration.

17.84.065 Vacation on Council's Own Motion; Notification.

(Added by Ordinance No. 136419, effective May 28, 1973.) Whenever the City Council shall initiate vacation proceedings on its own motion, the City Auditor shall give notice of the proposed action and hearing to all owners of real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case, not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. When a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. Whenever the Council shall initiate proceedings to vacate a plat or portion thereof, the City Auditor shall notify all property owners within such plat or part thereof proposed to be vacated of the proposed action and hearing.

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The notification required by this Section shall be given not less than 28 days before the hearings on the proposed action.

Chapter 17.93

RENAMING CITY STREETS

(Added by Ordinance No. 161897,
effective June 4, 1989.)

Sections:

- 17.93.010 Criteria for Renaming a City Street.
- 17.93.020 Selection of Street to be Renamed.
- 17.93.030 Application Procedures and Fees.
- 17.93.040 Review of Application and Public Hearings.
- 17.93.050 City-Initiated Action to Rename a City Street.
- 17.93.060 Implementation.

17.93.010 Criteria For Renaming a City Street.

- A.** Any individual or organization may apply to the City to rename a City street. City streets may only be renamed after a prominent person. Such prominent person must be:
 - 1.** a person who has achieved prominence as a result of his or her significant, positive contribution to the United States of America and/or the local community;
 - 2.** a real person; and
 - 3.** a person who has been deceased for at least five years.
- B.** Only one street renaming application shall be processed at a time, and only one street name change shall be implemented per year for a major traffic or district collector street. Additional applications shall be placed on a waiting list and processed in order of submission when this criteria can be met.

17.93.020 Selection of Street to be Renamed.

- A.** The name of the street proposed for renaming shall not be changed if the existing name is of historic significance, or the street is significant in its own right.
- B.** The street proposed for renaming must start and terminate entirely within City boundaries.

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- C. The name of any street shall be the same for its entire length. Renaming only portions of a street shall not be permitted.

17.93.030 Application Procedure and Fees.

(Amended by Ordinance No. 183829, effective July 1, 2010.) The applicant must conform to the following procedure in applying to rename a City street:

- A. The applicant shall submit evidence to the City Engineer that the street renaming proposal is in compliance with Section 17.93.010 A. 2. and A. 3., and Section 17.93.020 B. and C. If the City Engineer determines the submittal does not comply with these sections, the applicant will be so advised and the City shall take no further action. If the submittal is in compliance with the above referenced sections, the City Engineer shall issue the application materials described in Subsection B.
- B. The applicant shall obtain from the City Engineer:
 - 1. official petition forms;
 - 2. instructions as to fees and required procedures; and
 - 3. the application form.
- C. The applicant shall, after filing a completed City Engineer's application form and paying any applicable fees:
 - 1. Obtain a minimum of 2500 signatures in support of the proposal from legal residents of the City at large or signatures of at least 75% of the abutting property owners along the street proposed for renaming on the petition forms supplied by the City Engineer.
 - 2. Make a good faith effort to obtain a letter of concurrence to the proposed street renaming from the honoree's surviving spouse, children, or parents, in that order. The City Engineer shall accept registered mail receipts and copies of all letters as evidence of compliance with this provision.
 - 3. Provide to the City Engineer supporting information including a complete biography of the proposed honoree with references of substantiation, honors received, contributions to the national and/or local community, et cetera, which will be reviewed by a historian panel appointed pursuant to Section 17.93.040 A. This submission shall contain sufficient information to allow the historian panel to accurately assess the appropriateness of renaming a street after the proposed honoree.

- D.** The applicant shall have 180 calendar days to complete and submit the information required by Subsection C. to the City Engineer's office. If the completed application has not been submitted to the City Engineer within 180 calendar days after the application has been received by the applicant, the application shall be invalid. No time extension shall be granted. At the time of submission, the City Engineer shall check the applicant's application and accept it only if it is complete and appears to comply with the requirements of Sections 17.93.010 through 17.93.030.
- 1.** If the City Engineer accepts the submission, the applicant shall make a fee deposit to cover the full cost of printing and mailing postcards and public notices as determined by the City Auditor. The minimum fee deposit shall be as established in the Transportation Fee Schedule if the street proposed for renaming is ten City blocks ($\frac{1}{2}$ mile) or less in length. If the street proposed for renaming is more than ten City blocks ($\frac{1}{2}$ mile), the minimum deposit shall be as established in the Transportation Fee Schedule. The Auditor shall refund any unused portion of the deposit to the applicant, or the applicant shall be required to pay for any cost of printing, mailings, and public notices in excess of the fee deposit.

17.93.040 Review of Application and Public Hearings.

(Amended by Ordinance Nos. 182389 and 184046, effective September 10, 2010.) Upon receipt of the applicant's packet, the City shall process the application as follows:

- A.** The City Engineer shall, within 14 calendar days after submission of the completed application, refer the street renaming application to a panel of three historians or persons with appropriate expertise appointed by the Commissioner in charge of the Bureau of Transportation for review and determination as to appropriateness of the proposed name and its compliance with criteria for selecting a new street name, and determination as to historic significance of the street.
- B.** The City Engineer shall notify all neighborhood and business associations recognized by the City which encompass or represent owners of property or businesses located on property abutting the street proposed for renaming of the proposed renaming and request that they submit in writing to the City Engineer their support or opposition to the proposed name change within 45 days.
- C.** The Historian Panel shall have 45 calendar days from the date of receipt to review the application and advise the City Planning and Sustainability Commission as to its recommendations. If the panel does not provide a recommendation within the 45-day period, the Planning and Sustainability Commission shall review the application with no recommendation unless the Planning and Sustainability

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Commission grants a time extension to the Historian Panel, which shall not exceed 14 calendar days.

- D.** Concurrent with the Historian Panel review under Subsection C. of this Section, the Auditor shall conduct a postcard mailing survey of each legal owner and each legal address abutting the street in question, notifying them that there will be public hearings by the Planning and Sustainability Commission and City Council regarding the proposed street renaming and requesting the occupant and owner's input within 30 calendar days, as to the proposed name change. The Auditor shall also receive and tabulate all responses to the postcard survey and forward the results to the City Planning and Sustainability Commission.
- E.** The City Engineer shall prepare and submit to the Planning and Sustainability Commission a budget impact statement as to the direct cost of production and installation of new street name signs and related City costs.
- F.** The City Planning and Sustainability Commission shall conduct a public hearing on the matter and make a recommendation to the City Council as to the best interest of the City and the area within six miles of the City limits in accordance with ORS 227.120.
- G.** The Auditor shall schedule a public hearing before City Council on the matter. Notice of the hearing shall be published in a newspaper of general circulation not less than once within the week prior to the week within which the hearing is to be held.
- H.** A public hearing shall be held before City Council on the proposed street name change.
- I.** The Council may approve or deny application for a street name change upon determination of the best interests of the City and the area within six miles of the City limits. If Council denies the application, it is filed with no further consideration, and the subject name and street shall not be considered again under this Policy for a period of at least two years. If Council approves the application, certified copies of the enabling Ordinance shall be filed with the County Recorder, County Assessor, and County Surveyor.

17.93.050 Council-Initiated Action to Rename a City Street.

The Council may rename a street in order to correct errors in street names, or to eliminate confusion. Such action may be taken if it is determined that insignificant impact will result and it is desirable for the convenience of the general public. Renaming of a street by the City under provisions of this paragraph shall not be undertaken to rename a street after a person as provided for in other sections of the Chapter. Therefore, City-initiated actions to rename a street under provisions of this paragraph shall be exempt from

compliance with Sections 17.93.010 through 17.93.030 and Section 17.93.040 A. through D. Section 17.93.040 E. through I. shall continue to be applicable.

17.93.060 Implementation.

- A.** After Council approval of the name change, the Bureau of Maintenance shall install the new name signs adjacent to the existing street name sign. Both signs shall be in place for a period of five years, unless a petition is submitted to City Council from a majority of abutting property occupants requesting that the dual signage period be shortened. Both street name signs shall be maintained for the five-year period at the same level of maintenance approved for street name sign maintenance Citywide, after which time the old name shall be removed.
- B.** The Auditor shall also notify the following organizations and individuals of the street name change through public notice, inter-office correspondence, or other appropriate means within 30 days after approval of the enabling Ordinance:

 - 1.** The applicant;
 - 2.** Affected City, County, State, and Federal Agencies;
 - 3.** General public;
 - 4.** Emergency service organizations;
 - 5.** Owners and occupants of all property abutting the street being renamed;
and
 - 6.** United States Postal Service.

3. Whether the violation was isolated and temporary, or repeated and continuous;
 4. The magnitude and seriousness of the violation;
 5. The relative harms of continued collection service from the permittee and the potential for service disruption;
 6. Whether any criminal prosecutions have occurred in regard to the violations; and
 7. Other relevant, applicable evidence bearing on the nature and seriousness of the violation.
- C. Revocation or suspension of a permit may be appealed to the Code Hearings Officer as provided in accordance with procedures set forth in Chapter 22.10 of the City Code.

17.102.250 Commercial Tonnage Fee.

(Amended by Ordinance No. 183828, effective July 1, 2010.) Commercial permittees shall, when invoiced quarterly by the Director, pay a tonnage fee to the City. Fees shall be assessed up to \$6.80 per ton of commercial solid waste collected within the City and deposited in disposal facilities authorized by Metro. Payments shall be made within 30 days of the date of the invoice. Interest shall accrue at 1 percent per month on balances which remain unpaid as of 30 days after the date of invoice, compounded daily from the due date.

17.102.260 Registration Required for Independent Commercial Recyclers.

(Amended by Ordinance No. 182671, effective May 15, 2009.)

- A. No person shall provide collection service as an independent commercial recycler within the City without having registered with the Bureau of Planning and Sustainability, by providing BPS with a copy of their City of Portland Business License, with their Business License number, or with a copy of their current annual Business License exemption application or request submitted to the City's Revenue Bureau.
- B. All independent commercial recyclers which collect in the City at least 25 tons of recyclables and/or compostables per year shall report quarterly to BPS on the amounts of recyclables collected in the City, on forms provided by BPS.

17.102.270 Businesses and Multifamily Complexes Required to Recycle.

- A. Waste Prevention and Recycling Requirements.

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- 1.** To achieve the City's waste prevention and recycling goals as set forth in Section 17.102.010, all businesses within the City shall comply with waste prevention, recycling and composting requirements as set forth in the administrative rules established by the Director. The following recycling requirements shall be in effect:

 - a.** All businesses and multifamily complexes shall recycle 75 percent of the solid waste they produce;
 - b.** All businesses shall recycle all of their paper and containers. For the purposes of this Section, containers means all recyclable metal, plastic and glass containers;
 - c.** Food scraps generating businesses shall separate their food scraps for composting.
 - d.** For all building projects within the City where the total job cost (including both demolition and construction phases) exceeds \$50,000, the general contractor shall ensure that 75 percent of the solid waste produced on the job site is recycled. In addition, certain materials generated on the job site shall be recycled in compliance with administrative rules established by the Director. For an affected building project where there is no general contractor, this requirement applies to the property owner is the person responsible for ensuring compliance with the recycling requirements.
 - 2.** Commercial customers that provide garbage collection service to business tenants as part of their rental/lease, shall provide recycling and, where appropriate, compostable collection systems that will enable the business tenants to recycle in compliance with administrative rules established by the Director.
 - 3.** All multifamily complexes within the City shall establish recycling systems for their tenants' use, in compliance with administrative rules established by the Director.
- B.** The Director may monitor compliance with the requirements of Subsection A by reviewing available information including, but not limited to, information reported by the customers on their recycling activities, as well as onsite inspections.
- C.** Any business or any other person may sell or exchange at fair market value its own recyclable materials which are source separated for reuse or recycling. This

Chapter and any administrative rules promulgated hereunder are not intended to limit the ability of any person to compete openly to provide recycling collection service to businesses within the City of Portland.

17.102.280 Inspections to Determine Compliance with Business Recycling Requirements.

- A.** The Director shall be responsible for the administration and enforcement of Section 17.102.270 relating to recycling goals for businesses and multifamily complexes. In furtherance of these responsibilities, the Director shall have the authority to inspect sites, buildings and other structures and equipment for compliance with Section 17.102.270. The Director shall establish a program for the periodic inspection of businesses and multifamily complexes for compliance with these requirements. The program shall identify the frequency, priority and types of inspections, subject to the availability of staff and budgeted funds.
- B.** Right of Entry. The Director may enter the premises of any business or multifamily complex, except private residences, between the hours of 9:00 am and 5:00 pm on any business day to conduct inspections for the purpose of determining compliance with recycling requirements established pursuant to Section 17.102.270. The Director shall first present proper credentials and request entry. If entry is refused, the Director may attempt to gain entry by obtaining an inspection warrant. Failure to respond to repeated requests may constitute refusal for entry. For the purposes of Section 17.102.280, the premises shall include the common areas of the business or multifamily complex used to store solid waste, recycling or compostable materials.
- C.** Warrants. Whenever an inspection is necessary to determine compliance with Section 17.102.270 and the Director has been refused entry, the Director may apply to any Circuit Court judge to obtain an inspection warrant for the inspection of the premises of a business or multifamily complex. The inspection warrant is a court order authorizing entry onto the premises of a business or multifamily complex for the purposes of conducting an inspection to determine compliance with the requirements of Section 17.102.270.
- D.** Grounds for Issuance of Inspection Warrants; Affidavit.

 - 1.** Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the inspection warrant, the applicable code sections or regulation requiring or authorizing the inspection, the property to be inspected and the purpose for which the inspection is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused.

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2. Cause. Cause shall be deemed to exist if the affidavit demonstrates that:

- a.** The inspection is authorized pursuant to reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to the premises of a business or multifamily complex;
- b.** There is a reasonable basis for believing that a condition of nonconformity with Section 17.102.270 exists with respect to the designated property; or,
- c.** An inspection is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity with any of the requirements of Section 17.102.270 or any regulations promulgated pursuant thereto.

E. Procedure for Issuance of Inspection Warrant.

- 1.** Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.
- 2.** Issuance. If the judge is satisfied that cause for the inspection exists and that the other requirements for granting the application are satisfied, the judge shall issue an inspection warrant, particularly describing the person or persons authorized to execute the inspection warrant, the property to be entered and the purpose of the inspection. The inspection warrant shall contain a direction that it be executed on any business day between the hours of 9:00 a.m. and 5:00 p.m., or where the judge has specially determined upon a showing that it cannot be effectively executed between those hours, that it be executed at any additional or other time of the day or night.
- 3.** Police Assistance. In issuing an inspection warrant, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to assist the person authorized to execute the inspection warrant in any way necessary to complete the inspection.

F. Execution of Inspection Warrants

- 1.** In executing an inspection warrant, the person authorized to execute the warrant shall, before entry into any occupied premises of a business or multifamily complex, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession

of the premises of the business or the multifamily complex designated in the inspection warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request. The person authorized to execute the warrant shall leave a copy of the inspection warrant at the premises.

2. Return. The inspection warrant must be executed within 10 working days of its issue. The return of warrant must be submitted to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this subsection, the inspection warrant shall be void unless it has been timely executed.

17.102.290 Storing Solid Waste, Recycling or Compostable Containers in the Right of Way Prohibited.

(Amended by Ordinance No. 182671, effective May 15, 2009.)

- A. No person may store, or cause to be stored, containers of solid waste, recycling or compostables in public right-of-way without a permit from the City Engineer, the City Traffic Engineer, or the Bureau of Planning and Sustainability. For the purposes of this Section, storage means leaving containers in the right of way for more than 2 hours either before or after collection during normal business hours. If collection occurs after normal business hours, containers may be placed in the right of way at the close of business but must be removed from the right of way by the start of the following business day or within 24 hours of set out, whichever occurs first.
- B. The Director may provide exemptions from Subsection A. for extreme economic hardship. Criteria for eligibility shall be based upon such factors as financial hardship for the property or business owner, conditions related to the property and resources necessary to provide adequate on-site, interior storage space for garbage and recycling containers. Exempted property shall be subject to the requirements of this Section following the termination of the hardship exemption. Exemptions shall be for no more than two years. Exemptions may be renewed upon reapplication by the property owner or business owner, after a re-evaluation of eligibility by the Director. Exemptions shall be personal to the property or business owner, and shall not be assignable, transferable or otherwise be conveyable. Exempted property shall be subject to the requirements of Subsection A. following expiration of any hardship exemption granted by the Director.
- C. The Director shall develop administrative rules and procedures for determining extreme economic hardships under Subsection B., using the process under Section 17.102.030. The Director shall also adopt standards for space requirements for

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storage of containers of solid waste, recycling or compostables in new construction and when major alterations are made to existing buildings.

- D. Denial of a request for exemption for extreme economic hardship may be appealed to the Code Hearings Officer in accordance with procedures set for in Chapter 22.10.

17.102.300 Definitions for Ban of Polystyrene Foam Food Containers (PSF).

As used in Sections 17.102.300 through 17.102.340, the following terms have the following meanings:

- A. **“Biodegradable”** means material capable of being broken down by micro-organisms into simple substances or basic elements.
- B. **“Chlorofluorocarbons”** are the family of substances containing carbon, fluorine and chlorine.
- C. **“Customer”** means any person obtaining food or beverages from a restaurant or retail food vendor.
- D. **“Food vendor”** means any restaurant or retail food vendor.
- E. **“Food packager”** means any person, located within the City of Portland, who places meat, eggs, bakery products, or other food in packaging materials for the purpose of retail sale of those products.
- F. **“Non-profit food provider”** means a recognized tax exempt organization which provides food as a part of its services.
- G. **“Prepared food”** means food or beverages which are served on the vendor's premises without preparation, or are prepared on the vendor's premises by cooking, chopping, slicing, mixing, brewing, freezing or squeezing. Prepared food does not include any raw uncooked meat or eggs. Prepared food may be eaten either on or off the premises.
- H. **“Person”** means any natural person, firm, corporation, partnership, or other organization or group however organized.
- I. **“PSF”** means any material composed of polystyrene and having a closed cell air capacity of 25 percent or greater, or a density of less than 0.787 grams per cubic centimeter based on an average polystyrene density of 1.05 grams per cubic centimeter, as determined by an analytical testing laboratory.

- J.** “**Recycled**” describes a type of material that is separated from the solid waste stream and utilized as a raw material in the manufacture of a new product or new economic use.
- K.** “**Restaurant**” means any establishment located within the City of Portland, selling prepared food to be eaten by customers. Restaurant includes a sidewalk food vendor.
- L.** “**Retail Food Vendor**” or “**Vendor**” means any store, shop, sales outlet or other establishment, including a grocery store or a delicatessen, located within the City of Portland, which provides prepared food.
- M.** “**Reuse**” means the process by which a product is reclaimed or reprocessed into another useful product.

17.102.310 Prohibition on Certain PSF Uses.

- A.** On and after March 1, 1989, no restaurant, retail food vendor or non-profit food provider shall serve food and after June 30, 1989 no packager shall package meat, eggs, bakery products or other food in polystyrene foam (PSF) containers, manufactured with chlorofluorocarbons (CFCs) which do not reduce the potential for ozone depletion by more than 95 percent, compared to the ozone depletion potential of CFC-12 (dichlorodifluorothane). Compounds banned include: CFC-11, CFC-12, CFC-113, CFC-114, CFC-115, Halon-1211, Halon-13-1 and Halon-2402. Food vendors may be required to furnish a written statement from the manufacturer or supplier of polystyrene foam products used by that food vendor, indicating that the chemical compounds used in the manufacture of the vendor's polystyrene foam products meet the provisions of this code.
- B.** On and after January, 1990, no restaurant or retail food vendor shall serve prepared food in any polystyrene foam (PSF) products.

17.102.320 Exemptions for PSF Use.

The City Council, or its appointee, may exempt a food vendor, food packager or non-profit food provider from the requirements of this Code for a one year period, upon showing by the applicant that the conditions of this Code would cause undue hardship. The phrase undue hardship, shall be construed to include, but not be limited to:

- A.** Situations where there are no acceptable alternatives to PSF packaging for reasons which are unique to the vendor or provider;
- B.** Situations where compliance with the requirements of this Code would deprive a person of a legally protected right. If a request for exemption is based upon a claim that a legally protected right would be denied if compliance were required

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and such request for exemption is denied, review of the denial shall only be by writ of review as provided for in ORS 34.010 to 34.102 and not otherwise.

17.102.330 Enforcement and Notice of Violations for PSF Ban.

- A.** The Director upon determination that a violation of this code or regulations duly adopted pursuant to this code has occurred, shall issue a written notice of the violation by certified mail to the food vendor or food packager which will specify the violation and appropriate penalty.
- B.** The food vendor or food packager shall, upon receipt of a notice of violation, pay to the City the stated penalty or appeal the finding of a violation to the Code Hearings Officer for a hearing within 15 days of receipt of the notice.

17.102.340 Fines for PSF Ban.

Violations of this ordinance shall be punishable by fines as follows:

- A.** A fine not exceeding \$250 for the first violation in a one year period;
- B.** A fine not exceeding \$500 for the second and each subsequent violation in a one year period.

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FIGURE 2 - (Section 17.24.020)

(Repealed by Ordinance No. 183829,
effective July 1, 2010.)

FIGURE 6 - Chapter 17.102

(Replaced by Ordinance No. 183827
effective July 1, 2010.)

As used in Figure 6 the following terms have the meanings described below:

As used in Figure 6 the following terms have the meanings described below:

“Excess distance” is applicable to any collection beyond seventy-five (75) feet from the curb. This charge is in addition to the “non-curb surcharge”.

“Clean up containers” include hauler-provided containers which are provided as requested by the customer for occasional or temporary use.

“Multifamily” means any multidwelling building or a combination of buildings on a single tax lot in the residential franchise territory that container 2-4 dwelling units.

“Non-curb surcharge” is the charge for collection service provided at a location more distant than curbside.

“Terrain differential” is applicable to services within the territory designated on Figure 6-1.

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Residential Solid Waste and Recycling Rates

Single Family Residential Service Level	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Standard Service--Weekly Collection of Garbage & Recycling, Every Other Week Yard Debris				
20-gallon Can	23.15		3.35	1.10
32-gallon Can	26.40		3.35	1.10
32-gallon Rollcart	27.95			
60-gallon Rollcart	33.35			
90-gallon Rollcart	38.95			
1.0 Cubic Yard Container	84.10			
1.5 Cubic Yard Container	115.45			
2.0 Cubic Yard Container	146.55			
Monthly Service--Once a Month Collection of Garbage, Weekly Collection of Recycling and Every Other Week Yard Debris				
32-gallon Can	16.90		0.80	0.25
32-gallon Rollcart	18.20			

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Single Family Residential Service Level	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Special Services				
Recycling Only, Weekly Collection	7.45			
On Call Yard Debris Only (32-gallon Can, Bag, or Bundle)	5.50			
On Call Garbage Only (32-gallon Can)		7.85	0.80	0.25
Extra Yard Debris Roll Cart	5.00			
Extra Recycling Roll Cart	2.95			
Clean Up Containers				
One 1.0 Cubic Yard		79.65		
One 1.5 Cubic Yard		88.05		
One 2.0 Cubic Yard		96.40		
Miscellaneous Rates				
Yard Debris, Extra Can, Bag or Bundle		3.00		
Garbage, Extra Can or Bag		5.00	0.80	0.25
Special Pickup or Call Back for Garbage or Yard Debris		7.95		
Rollcart Delivery		11.25		
Terrain Surcharge (see Figure 6-1)				
Weekly Standard Solid Waste Service (single can)	4.10			
Weekly Standard Solid Waste Service for Multiple Cans/Rollcarts	4.25			
Monthly Solid Waste Service	2.40			
Recycling Only	1.40			
On Call Service	0.55			
On Call Yard Debris Only	0.50			

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Single Family Residential Service Level	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Standard Service for Multiple Cans/Rollcarts--Weekly Collection of Garbage & Recycling, Every Other Week Yard Debris				
32-gallon Cans, Two	33.15		6.70	2.20
32-gallon Cans, Three	39.85		10.05	3.30
32-gallon Cans, Four	46.45		13.40	4.40
32-gallon Rollcarts, Two	36.30			
32-gallon Rollcarts, Three	44.65			
32-gallon Rollcarts, Four	53.15			
60-gallon Rollcarts, Two	46.60			
60-gallon Rollcarts, Three	59.65			
60-gallon Rollcarts, Four	72.75			
90-gallon Rollcarts, Two	57.30			
90-gallon Rollcarts, Three	75.65			
90-gallon Rollcarts, Four	93.95			

Residential Solid Waste and Recycling rates and charges include recycling services as outlined in City Administrative Rules. If the need for a type of service arises that is not now foreseen or specifically covered by this rate schedule, then the charge for such service shall be:

1. Uniform and nondiscriminatory between customers of a collector;
2. Commensurate with the rates generally charged in the Portland Metropolitan Area;
3. Subject to approval by the City of Portland Bureau of Planning & Sustainability Director.

Residential Curbside Monthly Rates -- Small Multiplexes

Standard Service[†] for:	Duplex	Tri-plex	Four-plex
Single container service, where can/cart/container is shared by residents of 2, 3 or 4 units.			
One shared 32 gallon rollcart	35.80	N/A	N/A
One shared 60 gallon rollcart	37.80	45.25	N/A
One shared 90 gallon rollcart	43.40	47.85	55.00
One shared 1 cu.yd. container	88.55	93.00	97.45
One shared 1.5 cu.yd. container	119.90	124.35	128.80
One shared 2 cu.yd. container	151.00	155.45	159.90
Multiple containers. These rates apply where all cans/carts are placed together in a single location. Where unshared cans/carts are located separately, then each is considered a separate account, charged at single-family rate.			
Two 32 gallon cans	37.60	43.45	N/A
Three 32 gallon cans	44.30	48.75	53.60
Four 32 gallon cans	50.90	55.35	59.80
Two 32 gallon carts	40.75	45.90	52.75
Three 32 gallon carts	49.10	53.55	58.00
Four 32 gallon carts	57.60	62.05	66.50
Two 60 gallon carts	51.05	55.50	59.95
Three 60 gallon carts	64.10	68.55	73.00
Four 60 gallon carts	77.20	81.65	86.10
Two 90 gallon carts	61.75	66.20	70.65
Three 90 gallon carts	80.10	84.55	89.00
Four 90 gallon carts	98.40	102.85	107.30

[†]Standard Service includes Weekly Collection of Garbage & Recycling and Every Other Week Yard Debris.

Miscellaneous Rates		
Monthly Non-curbside Service:	\$3.35 per can	\$6.95 per rollcart
Monthly Excess Distance Charge:	\$1.10 per can	\$2.30 per rollcart
Recycling Labor Charge (after the first unit):	\$4.45 per unit	
Terrain Surcharge (for services within the territory designated on Figure 6-1):	\$4.25 per multiplex account	
Extra Can, Bag, or Bundle of Yard Debris (accrued on a per account, rather than per unit, basis):	\$3.00 each	

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**Residential Solid Waste and Recycling Rates
For Food Scrap Curbside Collection Pilot Program**

Single Family Residential Service Level	Monthly Rate, Curbside Pickup	Monthly Rate, Optional Weekly Garbage Collection	Non-Curb Surcharge	Excess Distance
Standard Service--Every Other Week Collection of Garbage and Weekly Collection of Recycling & Yard Debris/Food Scraps				
20-gallon Can	23.15	46.30	3.35	1.10
32-gallon Can	26.40	52.80	3.35	1.10
32-gallon Rollcart	27.95	55.90		
60-gallon Rollcart	31.75	63.50		
90-gallon Rollcart	36.00	72.00		
1.0 Cubic Yard Container	70.50	141.00		
1.5 Cubic Yard Container	94.05	188.10		
2.0 Cubic Yard Container	117.55	235.10		
Monthly Service-- Once a Month Collection of Garbage and Weekly Collection of Recycling & Yard Debris/Food Scraps				
32-gallon Can	19.15		0.80	0.25
32-gallon Rollcart	20.35			
Rate Adjustments				
Every Other Week Collection of Recycling (monthly discount)	-1.95			

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PUBLIC IMPROVEMENTS

Single Family Residential Service Level	Monthly Rate, Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Special Services				
Recycling Only, Weekly Collection	7.45			
On Call Yard Debris Only (32-gallon Can, Bag, or Bundle)	5.50			
On Call Garbage Only (32-gallon Can)		7.85	0.80	0.25
Extra Yard Debris Roll Cart	11.35			
Extra Recycling Roll Cart	2.95			
Clean Up Containers				
One 1.0 Cubic Yard		79.65		
One 1.5 Cubic Yard		88.05		
One 2.0 Cubic Yard		96.40		
Miscellaneous Rates				
Yard Debris, Extra Can, Bag or Bundle		3.30		
Garbage, Extra Can or Bag		5.00	0.80	0.25
Special Pickup or Call Back for Garbage or Yard Debris		7.95		
Rollcart Delivery		11.25		
Terrain Surcharge (see Figure 6-1)				
Weekly Standard Solid Waste Service (single can)	3.50			
Weekly Standard Solid Waste Service for Multiple Cans/Rollcarts	3.65			
Monthly Solid Waste Service	2.90			
Recycling Only	1.40			
On Call Service	0.55			
On Call Yard Debris Only	0.50			

TITLE 17
PUBLIC IMPROVEMENTS

Single Family Residential Service Level	Monthly Rate, Curbside Pickup	Monthly Rate, Optional Weekly Garbage Collection	Non-Curb Surcharge	Excess Distance
Standard Service for Multiple Cans/Rollcarts--Every Other Week Collection of Garbage and Weekly Collection of Recycling & Yard Debris/Food Scraps				
32-gallon Cans, Two	31.20	62.40	6.70	2.20
32-gallon Cans, Three	36.25	72.50	10.05	3.30
32-gallon Cans, Four	41.25	82.50	13.40	4.40
32-gallon Rollcarts, Two	34.00	68.00		
32-gallon Rollcarts, Three	40.55	81.10		
32-gallon Rollcarts, Four	47.20	94.40		
60-gallon Rollcarts, Two	42.00	84.00		
60-gallon Rollcarts, Three	52.05	104.10		
60-gallon Rollcarts, Four	62.15	124.30		
90-gallon Rollcarts, Two	50.15	100.30		
90-gallon Rollcarts, Three	64.25	128.50		
90-gallon Rollcarts, Four	78.30	156.60		
Rate Adjustments for Customers in Food Scrap Curbside Collection Pilot Program				
Every Other Week Collection of Recycling (monthly discount)	-1.95			

Residential Solid Waste and Recycling rates and charges include recycling services as outlined in City Administrative Rules. If the need for a type of service arises that is not now foreseen or specifically covered by this rate schedule, then the charge for such service shall be:

1. Uniform and nondiscriminatory between customers of a collector;
2. Commensurate with the rates generally charged in the Portland Metropolitan Area;
3. Subject to approval by the City of Portland Bureau of Planning & Sustainability Director.

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PUBLIC IMPROVEMENTS

Residential Curbside Monthly Rates -- Small Multiplexes

Standard Service† for:	Duplex	Optional Weekly Garbage Collection	Tri-plex	Optional Weekly Garbage Collection	Four-plex	Optional Weekly Garbage Collection
Single container service, where can/cart/container is shared by residents of 2, 3 or 4 units.						
One shared 32 gallon rollcart	35.80	71.60	N/A	N/A	N/A	N/A
One shared 60 gallon rollcart	36.20	72.40	40.65	81.30	N/A	N/A
One shared 90 gallon rollcart	40.45	80.90	44.90	89.80	49.35	98.70
One shared 1 cu.yd. container	74.95	149.90	79.40	158.80	83.85	167.70
One shared 1.5 cu.yd. container	98.50	197.00	102.95	205.90	107.40	214.80
One shared 2 cu.yd. container	122.00	244.00	126.45	252.90	130.90	261.80
Multiple containers. These rates apply where all cans/carts are placed together in a single location. Where unshared cans/carts are located separately, then each is considered a separate account, charged at single-family rate.						
Two 32 gallon cans	35.65	71.30	40.10	80.20	N/A	N/A
Three 32 gallon cans	40.70	81.40	45.15	90.30	49.60	99.20
Four 32 gallon cans	45.70	91.40	50.15	100.30	54.60	109.20
Two 32 gallon carts	38.45	76.90	42.90	85.80	47.35	94.70
Three 32 gallon carts	45.00	90.00	49.45	98.90	53.90	107.80
Four 32 gallon carts	51.65	103.30	56.10	112.20	60.55	121.10
Two 60 gallon carts	46.45	92.90	50.90	101.80	55.35	110.70
Three 60 gallon carts	56.50	113.00	60.95	121.90	65.40	130.80
Four 60 gallon carts	66.60	133.20	71.05	142.10	75.50	151.00
Two 90 gallon carts	54.60	109.20	59.05	118.10	63.50	127.00
Three 90 gallon carts	68.70	137.40	73.15	146.30	77.60	155.20
Four 90 gallon carts	82.75	165.50	87.20	174.40	91.65	183.30
Rate Adjustments for Customers in Food Scrap Curbside Collection Pilot Program						
Every Other Week Collection of Recycling (monthly discount)	-1.95					

†Standard Service includes Every Other Week Collection of Garbage and Weekly Collection of Recycling & Yard Debris/Food Scraps.

Miscellaneous Rates		
Monthly Non-curbside Service:	\$3.35 per can	\$6.95 per rollcart
Monthly Excess Distance Charge:	\$1.10 per can	\$2.30 per rollcart
Recycling Labor Charge (after the first unit):	\$4.45 per unit	
Terrain Surcharge (for services within the territory designated on Figure 6-1):	\$3.65 per multiplex account	
Extra Can, Bag, or Bundle of Yard Debris (accrued on a per account, rather than per unit, basis):	\$3.30 each	

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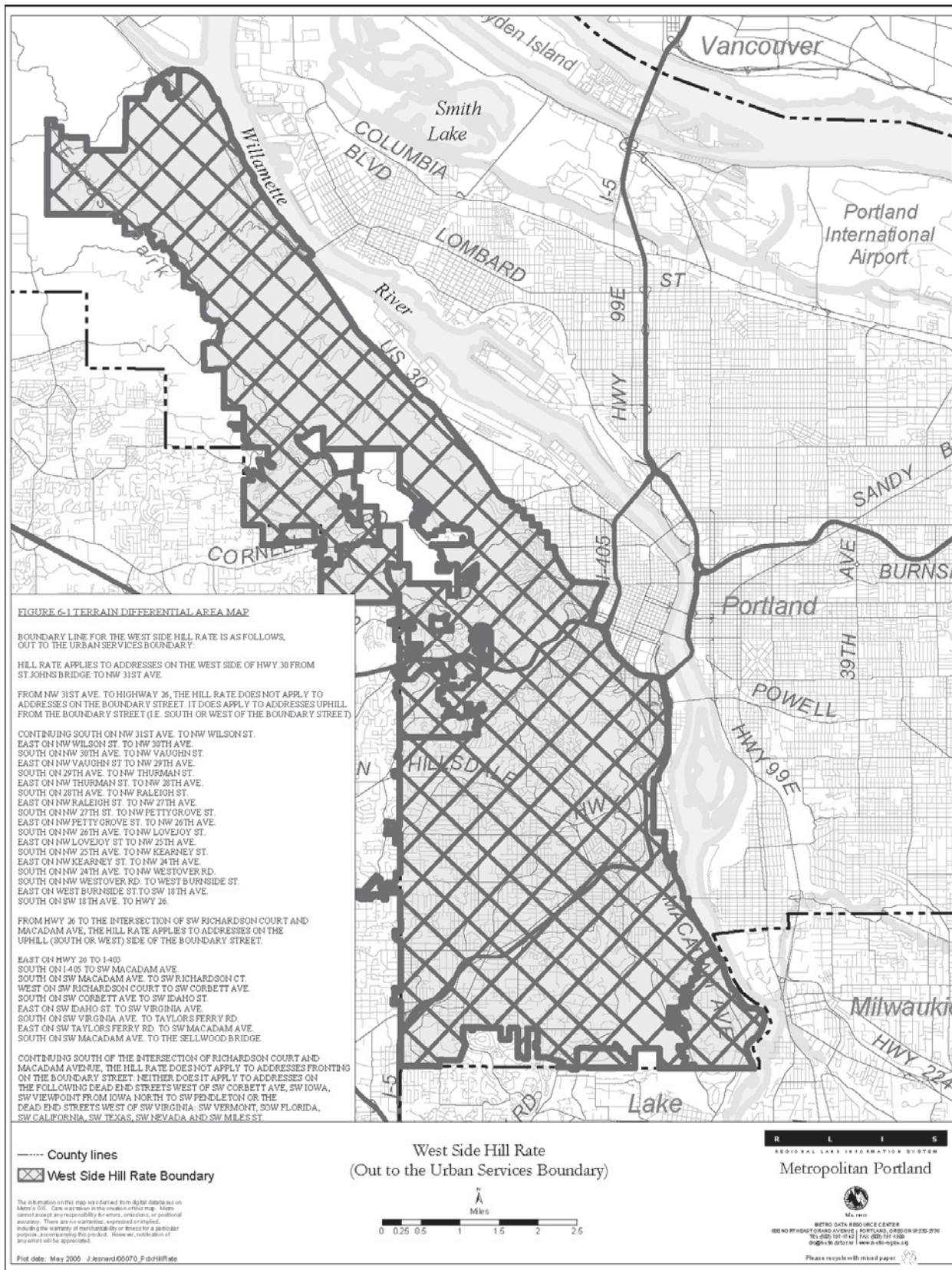


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20.08.070 Non-Park Use of Park Property.

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

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Chapter 20.12

PROHIBITED CONDUCT

(Chapter replaced by Ordinance No. 180743,
effective February 23, 2007.)

Sections:

20.12.010	Purpose of Establishing Prohibited Conduct.
20.12.020	Soliciting for or Conducting Business.
20.12.030	Unlawful Urination or Defecation.
20.12.040	Unlawful Acts Involving Alcohol, Controlled Substances or Prescription Drugs.
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20.12.080	Structures in Parks.
20.12.090	Disposing of Rubbish.
20.12.100	Vandalism; Protection of Park Property and Vegetation.
20.12.110	Fires, Fireworks and Smoking Prohibited.
20.12.140	Animals.
20.12.150	Fishing and Bathing.
20.12.160	Unlawful Use of River Frontage Along Park Property.
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20.12.200	Trespassing and Areas Closed to the Public.
20.12.210	Hours of Park Closure.
20.12.220	Condition of Parole or Probation or Other Judicial Order.
20.12.225	Exclusion From McCoy Park.
20.12.230	Pioneer Courthouse Square.
20.12.240	Rules and Regulations, Directions of Park Officers to be Obeyed.
20.12.250	Park Officers Not Affected.
20.12.265	Park Exclusions.

20.12.010 Purpose of Establishing Prohibited Conduct.

The purpose of this Chapter is to preserve the Parks for the enjoyment, safety, comfort and convenience of the public and to enhance the orderly administration of the Parks, by prohibiting conduct that unreasonably interferes with the administration and lawful use of the Parks. The purpose of this Chapter is not to punish any person for prior conduct, but, rather, to provide civil and non-punitive regulations the Council finds necessary to

20.12.200 Trespassing and Areas Closed to the Public.

- A.** No person, without the consent of the Director or other authorized Park Officer, shall enter any building, enclosure, or place within any Park upon which the words "no admittance," or similar words indicating that entry is prohibited or restricted, are displayed.
- B.** No person shall ride, drive, or walk on such parts or portions of the Parks or pavements as are closed to public travel, nor shall any person interfere with barriers erected in any Park.
- C.** No unauthorized person shall enter any municipal swimming pool, secured stadium or other secured Park facility, or any enclosed area thereof, at any time other than when the facility is regularly open for public use.
- D.** No person shall enter or remain in any municipal swimming pool, nor in any deck area adjacent thereto, nor in any locker room, shower room, changing room or restroom serving a municipal swimming pool, nor within any designated children's play area, nor in any area of a Park within twenty-five (25) feet of any outdoor pool fence line or children's play area, if the person previously has been convicted of any sexual offense under ORS 163.305 to 163.479, or under ORS 163.665 to 163.689, or under the laws of any other jurisdiction that would constitute such an offense if it had been committed in the State of Oregon, if the victim of any such offense was sixteen years of age or younger and was not biologically related to the person. This section shall not apply if the sole basis of the conviction was the lack of consent due solely to the victim's lack of capacity to consent by reason of being less than a specified age, if the victim was not more than three years younger than the person at the time of the offense.
- E.** No person, other than a Park Officer on lawful business, shall enter or remain in or on any Park or Park facility for which an admission or use fee is required, without having paid that admission or use fee.
- F.** No person shall enter or remain in any Park in violation of an exclusion issued under Section 20.12.265.

20.12.210 Hours of Park Closure.

- A.** No person shall be in a Park during hours of park closure. Unless the Director designates otherwise for any Park, "hours of park closure" means any time between the hours of 12:01 a.m. and 5 a.m.
- B.** This Section shall not apply to the following:

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1. Vehicular traffic crossing on a Park roadway;
2. Pedestrians crossing the North or South Park Blocks, Pioneer Courthouse Square, Lownsdale Square, Chapman Square, Pettygrove Park, or Lovejoy Park.
3. Persons playing golf at a municipal golf course when the golf course is open;
4. Persons attending, participating in, going to or coming from an activity either programmed or scheduled by Portland Parks and Recreation or under a permit issued under Chapter 20.08;
5. Persons in parked vehicles at scenic viewpoints along or adjacent to park roads, where designated parking areas are provided, at times when those roads are open to vehicular traffic;
6. Pedestrians crossing a Park area between the two paved portions of one street or boulevard.

20.12.220 Condition of Parole or Probation or Judicial or Other Order.

No person shall be in any Park when that person is required by any term or condition of the person's parole, probation, post-prison supervision, pretrial release agreement or other judicial order, to stay out of the Park. No person shall be in any Park at any time if an exclusion of the person from that Park under Section 20.12.265 is in effect.

20.12.225 Exclusion From McCoy Park.

(Added by Ordinance No. 184073, effective August 18, 2010.) No person shall be in McCoy Park at any time if an exclusion of the person from New Columbia Properties or the Tamarack Apartments under a Housing Authority of Portland Notice of Exclusion is in effect, provided that the Housing Authority of Portland Notice of Exclusion conspicuously informs the person that, under the provisions of this Section, the person may not be in McCoy Park while that exclusion is in effect. For purposes of this Section, "McCoy Park" means the area bounded by the public street right-of-way on the north by N. Fessenden St., on the south by N. Trenton St., on the east by N. Newman Ave. and on the west by N. Fiske Ave. A person excluded from McCoy Park by operation of this Section may, pursuant to Subsection 20.12.265 G. of this Code, apply in writing to the Commissioner for a waiver of some or all of the effects of the exclusion for good cause.

20.12.230 Pioneer Courthouse Square.

- A. In addition to the other provisions of this Chapter, the provisions of this Section apply in Pioneer Courthouse Square. "Pioneer Courthouse Square" means the city

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block bounded on the north by the south curb of Southwest Morrison Street, on the south by the north curb of Southwest Yamhill Street, on the east by the west curb of Southwest Sixth Avenue, and on the west by the east curb of SW Broadway. It specifically includes the entire area of that block and all improvements thereon, including all pedestrian walkways and transportation shelters and facilities.

- B.** No person shall climb, stand, sit or lie upon any of the water troughs, trellises, garbage containers or planters, nor climb, stand or lie upon any bench within Pioneer Courthouse Square.
- C.** No person shall operate any radio or other amplified sound producing device, so as to be audible to another, within Pioneer Courthouse Square, except by permit.
- D.** No person shall throw any ball, disc or other object, use roller skates or skateboards, ride any bicycle or other wheeled device other than a medical mobility device or a child stroller or baby carriage, or roll any shopping cart within Pioneer Courthouse Square.
- E.** No person shall violate any ordinance, rule or regulation duly promulgated by TriMet governing the use of its shelters or other facilities located within Pioneer Courthouse Square.
- F.** The following areas of Pioneer Courthouse Square are designated exclusively for transit use:
 - 1.** The walkway areas under the overhead canopies adjacent to SW Yamhill Street, between the southernmost drip line of any overhead canopy and the south side of the base of the decorative wall; and
 - 2.** The area within the drip lines of the structures commonly known as the mushroom sculptures adjacent to SW Morrison Street.

No person shall remain in those areas except for the purpose of entering into, exiting from or waiting for a light rail train or trolley.

- G.** No person shall smoke in any part of Pioneer Courthouse Square.
- H.** No person shall possess any type of fireworks, whether or not such fireworks are otherwise allowed by law, in Pioneer Courthouse Square, except by permit.
- I.** No person shall possess any graffiti instrument in Pioneer Courthouse Square with the intent that the instrument be used to tamper with, mar or deface property therein, or knowing that another person intends to so use it, or when a reasonable

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person would know that the instrument is likely to be so used. For purposes of this Subsection, “graffiti” means the unauthorized spraying or marking of paint, chalk, dye or any other substance to any building, structure or surface. For purposes of this Subsection, “graffiti instrument” means any can of paint or other marking substance under pressure, which can be used to spray surfaces with the paint or other marking substance, or any ink, chalk, dye or other instrument or article adapted or designed for spraying or marking surfaces.

20.12.240 Rules and Regulations, Directions of Park Officers to be Obeyed.

No person shall violate any rule or regulation established under the authority of Section 20.04.020 or 20.04.050, nor refuse or fail to obey any reasonable direction of a Park Officer. For purposes of this Section, a direction of a Park Officer is reasonable if it directs a person to obey, or to cease a violation of, any law, rule or regulation applicable in the Park, or if it is otherwise reasonably related to protection of the health, welfare or safety of the person or of any other person in the Park or to the prevention of damage to property, or if it is reasonably necessary to preserve the peace or to prevent the disruption of any organized activity or permitted event in the Park. A direction of a Park Officer is not “reasonable” under this Section if it is directed to speech or conduct the right to engage in which is, under the circumstances, protected by the federal or Oregon constitution.

20.12.250 Park Officers not Affected.

Nothing in this Chapter shall prohibit the performance by any Park Officer of any otherwise authorized act or duty.

20.12.265 Park Exclusions.

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

controlled substances or alcoholic beverages, any applicable County ordinance or regulation, and any ordinance or regulation adopted by the Tri-County Metropolitan Transportation District of Oregon (Tri-Met) governing any Tri-Met facility in that Park. For purposes of this Section, "applicable" means relating to the person's conduct in the Park.

- C.** An exclusion issued under the provisions of this Section shall be for thirty (30) days. If the person to be excluded has been excluded from any Park at any time within two years before the date of the present exclusion, the exclusion shall be for ninety (90) days. If the person to be excluded has been excluded from one or more Parks on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.
- D.** Before issuing an exclusion under this Section, a Park Officer shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:

 - 1.** Is classified as a felony or as a misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:

 - a.** Chapter 162 - Offenses Against the State and Public Justice;
 - b.** Chapter 163 - Offenses Against Persons;
 - c.** Chapter 164 - Offenses Against Property, except for ORS 164.805, Offensive Littering;
 - d.** Chapter 165 - Offenses Involving Fraud or Deception;
 - e.** Chapter 166 - Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
 - f.** Chapter 167 - Offenses Against Public Health, Decency and Animals;
 - g.** Chapter 475 - Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
 - 2.** Otherwise involves a controlled substance or alcoholic beverage; or

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3. Has resulted in injury to any person or damage to any property; or
 4. Constitutes a violation of any of the following provisions of this Code:
 - a. Section 14A.40.030 - Indecent Exposure;
 - b. Section 14A.40.040 - Loitering to Solicit Prostitution;
 - c. Section 14A.40.050 - Unlawful Prostitution Procurement Activities;
 - d. Section 14A.60.010 - Possession of a Loaded Firearm in a Public Place;
 - e. Section 14A.60.020 - Discharge of a Firearm;
 - f. Section 14A.60.030 - Tear Gas and Stun Guns;
 - g. Section 14A.60.040 - Explosives and Bottle Bombs;
 - h. Section 20.12.030 – Unlawful Urination or Defecation, except if the conduct involves only urination on a permeable surface (such as grass, dirt, mulch or other plant materials) in a Park;
 - i. Section 20.12.040 - Unlawful Acts Involving Alcohol, Controlled Substances or Prescription Drugs;
 - j. Section 20.12.050 – Possession of Weapons;
 - k. Section 20.12.170 C - Use of Skateboards; or
 5. Is conduct for which the person previously has been warned or excluded for committing in any Park.
- E.** Written notice shall be given to any person excluded from any Park under this Section. The notice shall specify the date, length and place of the exclusion, shall identify the provision of law the person has violated and shall contain a brief description of the offending conduct. The notice shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal. It shall be signed by the issuing party. Warnings of consequences for failure to comply shall be prominently displayed on the notice.
- F.** A person receiving such notice of exclusion may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. The Code

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Hearings Officer shall uphold the exclusion if, upon the Code Hearings Officer's de novo review, the preponderance of evidence admissible under the provisions of Title 22 of this Code convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.

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

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Chapter 20.20

MUNICIPAL GOLF COURSE RATES

Sections:

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

20.20.010 Playing Rates.

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

20.20.020 Collection and Use of Fees.

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

20.20.030 Holders of Life Certificates.

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

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

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20.20.040 Delegation of Authority.

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

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Chapter 20.24

**PORTLAND ZOO ADMISSION
CHARGES**

Sections:

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

20.24.010 Rates Established.

(Amended by Ordinance Nos. 131073, 133949, and 141817; effective May 27, 1976.)
The following charges shall be collected for admission to the Portland Zoo:

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

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

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

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

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

Chapter 20.38

MULTNOMAH CENTER

(Chapter added by Ordinance No. 152710;
effective January 13, 1982.)

Sections:

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

20.38.010 Term Leases or Facilities Use Permits.

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

20.38.020 Authority to Issue Permits for Short Term Use.

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

20.38.030 Rules and Regulations.

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

20.38.040 Conditions of Permits.

The permits issued under the authority granted under Section 20.38.020 shall be conditioned by rules and regulations of the Bureau of Parks governing use of the Center, and shall include provisions designating the nature of the use and the areas or facilities to be used. The permit shall provide that the Superintendent or his authorized

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representatives have the authority to immediately terminate the use under the permit if permittee fails to comply with the rules and regulations or the conditions of the permit. The permittee shall be required to indemnify and save the City, its officers, agents, and employees harmless from claims for damages to persons or property resulting from the use of the Center under the permit.

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

20.38.050 Charge for Use of Facilities.

(Amended by Ordinance Nos. 153957 and 159171, effective December 15, 1986.) Charges will be made for the use of the following Multnomah facilities by permit issued pursuant to Section 20.38.020: class rooms, conference rooms, kitchenette, gym, auditorium, and kitchen. There will be a minimum charge, a refundable cleaning deposit, a kitchen cleanup deposit, and a liquor deposit. There will be additional staff charges for use of the facility at times other than regular hours of the Multnomah Center operation. Various set-up and take-down charges will be applied if existing table and seating arrangements are altered. Specific charges and fee rules and regulations will be determined and adjusted periodically by the Superintendent of Parks or an authorized representative.

20.38.060 Waiver of Charges.

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

20.38.070 Policies on Use.

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

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

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

20.38.080 Priority for Users.

(Repealed by Ordinance No. 159171, effective December 15, 1986.)

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Chapter 20.40

**STREET TREE AND OTHER PUBLIC
TREE REGULATIONS**

(Chapter replaced by Ordinance No. 159490,
effective March 12, 1987.)

Sections:

20.40.010	Purpose.
20.40.020	Definitions.
20.40.030	Urban Forestry Commission.
20.40.035	Technical Assistance.
20.40.040	Urban Forestry Master Plan.
20.40.045	Superintendent.
20.40.050	City Forester.
20.40.070	Planting of Trees.
20.40.080	Maintenance of Trees.
20.40.090	Removal of Trees.
20.40.100	Permit Requirements and Conditions.
20.40.105	Major Improvements.
20.40.110	New Land Division.
20.40.120	Protection.
20.40.130	New Streets.
20.40.140	Liabilities and Responsibility for Costs.
20.40.150	Heritage Trees.
20.40.160	Disposition of Wood from Trees.
20.40.170	Nuisances-Abatement Procedure.
20.40.180	Abatement by Owner, Administrative Review, Appeal to the Code Hearings Officer.
20.40.185	Administrative Review.
20.40.190	Abatement by the City.
20.40.195	Notice of Assessment.
20.40.200	Personal Liability of Owner.
20.40.205	Cost of Abatement; Low Income, Elderly Persons.
20.40.210	Criminal Penalty.
20.40.215	Civil Penalties.
20.40.220	Civil Remedies.
20.40.230	Institution of Legal Proceedings.
20.40.235	Notification to Planning and Sustainability Commission.
20.40.240	Severability.

20.40.010 Purpose.

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

20.40.020 Definitions.

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

- A. Arboriculture** refers to that part of horticulture which deals with the study and care of trees and other woody plants.
- B. City** means the City of Portland.
- C. Commission** means the Urban Forestry Commission.
- D. Engineer** means the City Engineer.
- E. Forester** means the City Forester.
- F. Person** includes any individual, firm, association, corporation, agency, or organization of any kind.
- G. Plan** means the Tree Planting and Maintenance Plan for streets, parks and public areas, also known as the Urban Forestry Plan.
- H. Pruning** refers to cutting or removing any part of the branching structure of a plant in either the crown, trunk or root areas.
- I. Public area** means City-owned lands not located in the park or street right-of-way.
- J. Removal** refers to the cutting or removing of 50 percent or more of the crown, trunk or root system of a plant, resulting in the loss of aesthetic or physiological viability.
- K. Street** shall have the meaning set forth in Section 9-101 of the City Charter.
- L. Superintendent** means the Superintendent of Parks and Recreation.

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- M.** **Tree** shall include only those trees which are located on public property or those which are assigned to the jurisdiction of the Forester by other City policies, procedures and Code provisions.
- N.** **Urban Forestry** has as its objective the cultivation and management of trees and related plants for their present and potential contribution to the physiological, sociological and economic well being of urban society. Inherent in this function is a comprehensive program designed to educate the urban populace on the role of trees and related plants in the urban environment. In its broadest sense, urban forestry is one essential component of a multi-managerial system that includes watersheds within the City, wildlife habitats, outdoor recreation opportunities, landscape design, recycling of municipal vegetative wastes and tree care in general.
- O.** **Utility** means public utilities, businesses or organizations in the business of supplying electrical energy, gas, heat or steam, water, communications, or other services through or associated with telephone or telegraph, sewage disposal and treatment, and other operations for public service, but does not include transportation service, railroad operations, or service otherwise licensed under City Code.

20.40.030 Urban Forestry Commission.

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

- A.** The Urban Forestry Commission is hereby created. It shall consist of eleven members who have demonstrated an interest in the preservation of trees and the beautification of Portland, appointed by the Mayor in consultation with the Commissioner of Parks and Recreation and confirmed by the City Council. Members shall serve without compensation for terms of 4 years and may be reappointed. At least three members shall have experience and expertise in arboriculture, landscape architecture or urban forestry. One member shall be a member of the Board of Trustees of the Hoyt Arboretum. The remaining seven members, insofar as possible, shall represent diverse regions or interests of the community. Two of the three members initially appointed with experience or expertise in arboriculture or urban forestry shall initially serve a term of two years. Two of the members appointed from geographically diverse regions of the City shall initially serve a term of two years. The City Forester and the Commissioner of Parks and Recreation or the Commissioner's designee, and the City Engineer or the City Engineer's designee shall serve as ex-officio members of the Commission.
- B.** The Urban Forestry Commission shall elect its own chair and adopt such rules of procedure as it deems necessary to the conduct of its duties.

by this Chapter or in non-compliance with any term, condition, limitation or requirement of such permit, shall be subject to a civil penalty as provided in this Section. For purposes of this Section, each tree shall constitute a separate violation, and each day that the person fails to obtain a permit or remains in non-compliance with a permit shall also constitute a separate violation. The Forester, or the Forester's designee, is authorized to initiate proceedings before the Code Hearings Officer, pursuant to the procedures in Title 22 of this Code, to enforce the provisions of this Section.

1. For each separate violation, a civil penalty of up to \$1,000 may be assessed.
2. In determining the amount of any civil penalty to be assessed, the Code Hearings Officer will consider the following:
 - a. The nature and extent of the responsible party's involvement in the violation;
 - b. The benefits, economic, financial or otherwise, accruing or likely to accrue to the violator as a result of the violation;
 - c. Whether the violation was isolated and temporary, or repeated and continuing;
 - d. The magnitude and seriousness of the violation;
 - e. The City's cost of investigation and remedying the violation;
 - f. Any other applicable facts bearing on the nature and seriousness of the violation.

20.40.220 Civil Remedies.

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

20.40.230 Institution of Legal Proceedings.

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

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20.40.235 Notification to Planning and Sustainability Commission.

(Added by Ordinance No. 163739; Amended by Ordinance No. 184046, effective September 10, 2010.) Prior to the adoption of any amendments to Chapter 20.40, the Forester will submit a copy of the proposed amendments to the Planning and Sustainability Commission for its review and comments.

20.40.240 Severability.

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

preceding and/or the current bill. In such instances the Bureau shall repair or replace the meter. If the tested meter is found to read within 3 % of the actual water flow through the meter, the Bureau will keep the deposit to cover the expense of the test.

21.16.160 Service Installation Fees.

The fees for installing and/or activating water service up to and including 1-inch in size shall be as provided in the annual water rate ordinance and shall be paid prior to service installation.

The fees for installing services greater than 1-inch shall be based on the Bureau's costs plus overhead, as provided in the finance regulations, Title 5 of the Code of the City of Portland. The applicant may choose to pay either a set price based on the Bureau's estimate or the actual cost of the installation. If the applicant accepts the Bureau's estimate as the set price these costs must be paid before the Bureau will perform the work. After a set price has been established, the Bureau will not refund or adjust installation charges unless changes in installation or location are requested by the applicant.

If the applicant chooses to pay the actual costs plus overhead he or she shall submit a deposit equal to the estimated cost before the Bureau will begin the work. When the estimated cost differs from the actual for labor, materials, and overhead the deficit shall be charged to the applicant or any excess payment shall be returned to the applicant.

In addition to the service installation fees, an applicant for new service must pay the System Development Charge, as described in Section 21.16.170 "System Development Charge" and as set in the annual water rate ordinance. If the service branch has been installed by a developer as allowed in section 21.12.110 "Installation of Service Pipes from the Main to the Property Line," the applicant will be charged for only the applicable system development charge and any charge for service activation as set in the annual water rate ordinance.

21.16.170 System Development Charge.

(Amended by Ordinance Nos. 182053 and 183448, effective July 1, 2010.) An applicant for a new water service connection or increase in the size of an old connection within the City limits shall pay a system development charge. The System Development Charge will be based upon calculations provided for in the annual water rate ordinance. New Water Service Connections solely for fire protection purposes and affordable housing pursuant to Section 30.01.095, shall be exempt from payment of the System Development Charge. A System Development Charge shall not be assessed for a temporary service (see Section 21.12.090 "Permit for Temporary Service").

21.16.180 Water Connection Assistance.

(Replaced by Ordinance No. 181715; amended by Ordinance No. 183447, effective July 1, 2010.) The City may provide water connection assistance to eligible property owners based on criteria established each year by City Council in the Annual Rate Ordinance. The Administrator may adopt administrative rules and procedures necessary to

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implement the water connection assistance criteria described in the Annual Rate Ordinance.

The City may grant payment deferrals and loans to property owners to finance City water system development charges, as provided in City Code Chapter 17.14 Financing Systems Development Charges. The Administrator may adopt administrative rules and procedures necessary to implement the deferred payment and loan programs.

21.16.190 Charges for Water Used through a Fire Protection Service.

(Amended by Ordinance No. 182053, effective August 15, 2008.) No charge shall be made for water used to extinguish a fire. Except as otherwise noted in this section, a property owner may use water from the City to test the fire protection system. Water used to pressure test a fire protection system will be registered on detector check metered firelines, or estimated on unmetered firelines. Flow testing a fire protection system requires that the Bureau install a metering device on the service to register the water used. Water used for testing a service for fire protection shall be charged at the commodity rates prescribed in the Water Rate Ordinance, as annually adopted by the City Council. Sewer charges will normally not be assessed for water used to test a fire protection system. Testing that results in a volume of water that is determined to have a measurable impact on the sewer system may subject that service to a sewer charge.

Testing of a fire service may not be conducted in a manner that will degrade the public water system. Flow testing through a fire service shall not reduce the pressure in the main less than 50% of maximum static pressure and shall in no case reduce the pressure below 30 lbs per sq. in. In this regard, prior to testing large flows, the individual conducting the test shall consult with the Bureau to determine limits of flow and to develop methods that may mitigate any detrimental effects on the public water system. Repeated testing of a fire service that violates a Bureau-approved testing program or affects the average daily water system conditions by more than allowable will result in a reclassification of the type of service and the collection of a System Development Charge.

21.16.200 Charges for Unauthorized Use of Fire Protection Service.

(Amended by Ordinance No. 182053, effective August 15, 2008.) A fire service is to be used to extinguish a fire, and is specifically not to be used for domestic, maintenance, or irrigation purposes. (See Section 21.12.220 "Fire Protection Service.")

There are progressively increasing charges for unauthorized use of water supplied through firelines. There is a commodity charge of three times the normal rate for water for the first unauthorized use, and ten times the normal rate for all later unauthorized uses. If unauthorized use continues, the Bureau shall install a full-flow meter and bill the property owner for the full costs of the meter as well as System Development Charges. These policies and procedures are further detailed in the annual water rate ordinance.

21.16.210 Billing and Collection of Sewer User Charges.

(Repealed by Ordinance No. 182053, effective August 15, 2008.)

Chapter 24.10

**ADMINISTRATION AND
ENFORCEMENT**

Sections:

24.10.010	Title.
24.10.020	Purpose.
24.10.030	Scope.
24.10.040	Codes.
24.10.050	Organization.
24.10.060	Enforcement.
24.10.070	Application for Permits.
24.10.080	Board of Appeals.
24.10.085	Structural Engineering Advisory Committee.
24.10.090	Pre-application and Pre-construction Meetings.
24.10.095	Commercial and Industrial Minor Structural Labels.
24.10.100	Fees.

24.10.010 Title.

This Title shall be known as the “Building Regulations,” and may be so cited and pleaded and is referred to herein as “this Title.”

24.10.020 Purpose.

(Amended by Ordinance No. 163908, effective Feb. 27, 1991.) The purpose of this Title is to provide minimum performance standards to safeguard the health, safety, welfare, comfort, and security of the residents of this City who are occupants and users of buildings, and will provide for the use of modern methods, devices, materials, techniques, and practicable maximum energy conservation by regulating and controlling the design, construction, quality of materials, use, and occupancy, location and maintenance of all buildings, structures and land within this jurisdiction.

24.10.030 Scope.

(Amended by Ordinance Nos. 163237, 163908, 165678 and 176783, effective August 30, 2002.) The provisions of this Title shall apply to the construction, alteration, moving, demolition, repair, and use of any building, structure or land, and to any land clearing or grading within the City. Exceptions are work in the public right-of-way as approved by the City Engineer; publicly constructed sanitary and storm sewer systems and facilities approved by the BES Chief Engineer; and public utility towers and poles, mechanical equipment not specifically regulated in this Code.

TITLE 24

BUILDING REGULATIONS

24.10.040 Codes.

(Amended by Ordinance Nos. 158651, 162695, 163908, 164950, 166111, 166436, 169312, 169905, 172737, 174891, 177414, 177433, 178745, 179125, 181359, 182370 and 184140, September 29, 2010.)

- A.** Structural Specialty Code. The provisions of the State of Oregon Structural Specialty Code 2010 Edition, as published by the International Code Council and known as the International Building Code 2009 Edition and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including Appendix L and the provisions of Section 903.2.8.1, are hereby adopted by reference. The Structural Specialty Code is on file in the Development Services Center of the City of Portland.
- B.** Compliance with recognized standards. Where requirements of this Title do not provide necessary regulation or are not fully detailed with regard to processes, methods, specifications, equipment testing, and maintenance, standards of design, performance, and installation, and other pertinent criteria, the applicable standards and recommendation of the National Fire Protection Association, as set forth in its National Fire Code, current Edition, Volumes 1 through 16 shall apply, a copy of which is on file in the City Auditor's Office. Said volumes and all subsequent editions are hereby incorporated in this Title by reference.
- C.** Application of other titles. Nothing in this Title is intended to permit the establishment or conversion of any structure or use of any land in any zone which is not in accordance with the applicable sections of Title 25 (Plumbing Regulations), Title 26 (Electrical Regulations), Title 27 (Heating and Ventilating Regulations), Title 33 (Planning and Zoning Regulations).
- D.** Residential code. The provisions of the State of Oregon, Residential Specialty Code, 2008 Edition, as published by the International Code Council, and known as the International Residential Code, 2006 Edition, and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, including the appendices and standards adopted by the State of Oregon, is hereby adopted by reference. The Residential Specialty Code is on file in the Development Services Center of the City of Portland.

24.10.050 Organization.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A.** Bureau of Development Services. The Bureau of Development Services shall be under the jurisdiction of the Director designated by the appointing authority.

TITLE 27
HEATING AND VENTILATING REGULATIONS

Chapter 27.01

TITLE AND SCOPE

Sections:

27.01.010	Title.
27.01.020	Purpose.
27.01.030	Scope.
27.01.035	Specialty Solar Code.
27.01.040	Existing Equipment.
27.01.050	Alternate Materials and Methods of Construction

27.01.010 Title.

This shall be known as Title 27, Heating and Ventilating Regulations and will be referred to herein as “this Code.”

27.01.020 Purpose.

The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances.

27.01.030 Scope.

(Amended by Ordinance Nos. 150873, 158654, 162693, 166110, 166438, 169905, 174891, 176956, 177414, 178745, 181359 and 184140, effective September 29, 2010.)

- A. Mechanical Specialty Code. The provisions of the State of Oregon Mechanical Specialty Code, 2010 Edition, as published by the International Code Council as the International Mechanical Code, 2010 Edition along with the International Fuel Gas Code, 2009 Edition, and as amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, are hereby adopted by reference. The Mechanical Specialty Code is on file in the Development Services Center of the City of Portland.

Unless specifically provided for in other Chapters of this Code, where requirements of this Title do not provide for or are not fully detailed with regard to processes, methods, specifications, equipment testing and maintenance standards of design performance and installation, and other pertinent criteria, applicable standards and recommendations of the National Fire Protection Association (hereinafter referred to as N.F.P.A.) as set forth in its National Fire Codes, current edition shall apply.

TITLE 27

HEATING AND VENTILATING REGULATIONS

In the following Chapters references may have been made to equipment not governed by this Code, in which case other Code or Codes shall apply.

- B.** One- and Two-Family Dwelling Code. The provisions of the State of Oregon, One- and Two-Family Dwelling Specialty Code, 2008 Edition, as published by the International Code Council, as the International Residential Code, 2006 Edition, and amended by the Building Codes Division of the Oregon Department of Consumer and Business Services, is hereby adopted by reference. The One- and Two-Family Dwelling Specialty Code is on file in the Development Services Center of the City of Portland.

27.01.035 Specialty Solar Code.

(Repealed by Ordinance No. 169905, effective April 1, 1996.)

27.01.040 Existing Equipment.

Heating, ventilating, comfort cooling or refrigeration systems, incinerators or other miscellaneous heat-producing appliances lawfully installed prior to the effective date of this Code may have their existing use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and is not a hazard to life, health, or property.

All heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code in heating, ventilating, comfort cooling, or refrigeration systems, incinerators or other miscellaneous heat-producing appliances when installed, altered, or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of heating, ventilating, comfort cooling, refrigeration systems, incinerators, or other miscellaneous heat-producing appliances.

27.01.050 Alternate Materials and Methods of Construction.

The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code, provided any such alternate has been approved.

The Building Official may approve any such alternate provided he finds that the proposed design is satisfactory and complies with the provisions of this Code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, fire resistance, durability, and safety.

The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

TITLE 29
PROPERTY MAINTENANCE REGULATIONS

Chapter 29.05

TITLE, PURPOSE, AND SCOPE

(New Title substituted by Ordinance No. 171455,
effective August 29, 1997.)

Sections:

- 29.05.010 Title.
- 29.05.020 Purpose.
- 29.05.030 Scope.
- 29.05.040 Application of Titles 24, 25, 26, 27, 28, and 33.

29.05.010 Title.

(Amended by Ordinance No. 180330, effective August 18, 2006.) Title 29 of Portland City Code shall be known as the “Property Maintenance Regulations.”

29.05.020 Purpose.

(Amended by Ordinance No. 182488, effective February 21, 2009.) The purpose of this Title is to protect the health, safety and welfare of Portland citizens, to prevent deterioration of existing housing and the exterior of non-residential structures, and to contribute to vital neighborhoods by:

- A.** Establishing and enforcing minimum standards for residential structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.
- B.** Establishing and enforcing minimum standards of maintenance for outdoor areas and adjacent rights of way.
- C.** Regulating and abating dangerous and derelict buildings.
- D.** Establishing and enforcing minimum standards for the exterior maintenance of non-residential structures.

29.05.030 Scope.

(Amended by Ordinance No. 180330, effective August 18, 2006.) The provisions of this Title shall apply to all property in the City except as otherwise excluded by law.

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29.05.040 Application of Titles 24, 25, 26, 27, 28, and 33.

Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this Title shall be done in accordance with applicable Sections of Title 24 (Building Regulations), Title 25 (Plumbing Regulations), Title 26 (Electrical Regulations), Title 27 (Heating and Ventilating Regulations), Title 28 (Floating Structures), and Title 33 (Planning and Zoning) of the Code of the City of Portland.

29.05.050 Use of Summary Headings.

(Repealed by Ordinance No. 180330, effective August 18, 2006.)

Chapter 29.10

DEFINITIONS

Sections:

- 29.10.010 General.
- 29.10.020 Definitions.

29.10.010 General.

(Amended by Ordinance No. 180330, effective August 18, 2006.) For the purpose of this Title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this Chapter. “And” indicates that all connected items or provisions apply. “Or” indicates that the connected items or provisions may apply singly or in combination. Terms, words, phrases and their derivatives used, but not specifically defined in this Title, either shall have the meanings defined in Title 24, or if not defined, shall have their commonly accepted meanings.

29.10.020 Definitions.

(Amended by Ordinance Nos. 173248, 173270, 174265, 176381, 176955, 180330, 181699, 182488 and 183534, effective July 1, 2010.) The definitions of words with specific meaning in this Title are as follows:

- A. Abatement of a nuisance.** The act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.
- B. Accessory Structure.** Any structure not intended for human occupancy which is located on residential or non-residential property. Accessory structures may be attached to or detached from the residential or non-residential structure. Examples of accessory structures include: garages, carports, sheds, and other non-

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PROPERTY MAINTENANCE REGULATIONS

dwelling buildings; decks, awnings, heat pumps, fences, trellises, flag poles, tanks, towers, exterior stairs, driveways and walkways, and other exterior structures on the property.

- C. Adjacent right of way.** The sidewalks and planting strips that border a specific property as well as the near half of the streets, alleys, or other public rights of way that border a specific property.
- D. Apartment House.** See Dwelling Classifications.
- E. Approved.** Meets the standards set forth by applicable Portland City Code including any applicable regulations for electric, plumbing, building, or other sets of standards included by reference in this Title.
- F. Basement.** The usable portion of a building which is below the main entrance story and is partly or completely below grade.
- G. Boarded.** Secured against entry by apparatus which is visible off the premises and is not both lawful and customary to install on occupied structures.
- H. Building.** Any structure used or intended to be used for supporting or sheltering any use or occupancy.
- I. Building, Existing.** Existing building is a building erected prior to the 1972 adoption of the building code by the City of Portland, or one for which a legal permit has been issued.
- J. Ceiling Height.** The clear distance between the floor and the ceiling directly above it.
- K. Court.** A space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.
- L. Dangerous Building.** See Dangerous Structure.
- M. Dangerous Structure.** Any structure which has any of the conditions or defects described in Section 29.40.020, to the extent that life, health, property, or safety of the public or its occupants are endangered.
- N. Demolition Warrant.** An order from the Circuit Court authorizing the demolition of a dangerous structure as authorized by this Title, including disposal of all debris in an approved manner, and returning the lot to a clean and level condition.

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- O. Derelict Building.** Any structure which has any of the conditions or defects described in Section 29.40.010 A.
- P. Director.** Is as defined in Section 24.15.070.
- Q. Disabled vehicle.** Any vehicle which is or appears to be inoperative, wrecked or dismantled, or partially dismantled.
- R. Duplex.** See Dwelling Classifications, “Two-Family Dwelling.”
- S. Dwelling.** Any structure containing dwelling units, including all dwelling classifications covered by the Title.
- T. Dwelling Classifications.** Types of dwellings covered by this Title include:
- 1. Single-Family Dwelling.** A structure containing one dwelling unit.
 - 2. Two-Family Dwelling.** A structure containing two dwelling units, also known as a “duplex.”
 - 3. Apartment House.** Any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.
 - 4. Hotel.** Any structure containing six or more dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.
 - 5. Motel.** For purposes of this Title, a motel shall be defined the same as a hotel.
 - 6. Single-Room Occupancy Housing Unit.** A one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.
 - 7. Manufactured Dwelling.** The term “manufactured dwelling” includes the following types of single-family dwellings as noted below. Manufactured Dwelling does not include any unit identified as a recreational vehicle by the manufacturer:
 - a. Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing

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facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

- b. Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
 - c. Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.
- 8. Floating Home.** A floating structure used primarily as a dwelling unit. Application of this Title shall be modified for floating homes, when appropriate, by nautical application and tradition as defined in Portland City Code 28.01.020.
- U. Dwelling Unit.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation.
- V. Eradication.** Eradication is the removal of the entire nuisance plant – including the above ground portion of the plant, and the roots, shoots and seeds of the plant. The eradication provisions apply to those plants on the Nuisance Plants List, Required Eradication List.
- W. Exit. (Means of Egress.)** A continuous, unobstructed means of escape to a public way, including intervening doors, doorways, exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, passageways, exterior courts and yards.
- X. Exterior Property Area.** The sections of residential property which are outside the exterior walls and roof of the dwelling.
- Y. Extermination.** The elimination of insects, rodents, vermin or other pests at or about the affected building.

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- Z. Floor Area.** The area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.
- AA. Guard or Guardrail.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.
- BB. Habitable Room (Space).** Habitable room or space is a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.
- CC. Handrail.** A horizontal or sloping rail intended for grasping by the hand for guidance or support.
- DD. Hotel.** See Dwelling Classifications.
- EE. Immediate Danger.** Any condition posing a direct immediate threat to human life, health, or safety.
- FF. Infestation.** The presence within or around a dwelling of insects, rodents, vermin or other pests to a degree that is harmful to the dwelling or its occupants.
- GG. Inspection.** The examination of a property by the Director for the purpose of evaluating its condition as provided by this Title.
- HH. Inspection Warrant.** An order from the Circuit Court authorizing a safety or health inspection or investigation to be conducted at a designated property.
- II. Inspector.** An authorized representative of the Director whose primary function is the inspection of properties and the enforcement of this Title.
- JJ. Interested Party.** Any person or entity that possesses any legal or equitable interest of record in a property including but not limited to the holder of any lien or encumbrance of record on the property.
- KK. Kitchen.** A room used or designed to be used for the preparation of food.
- LL. Lavatory.** A fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.
- MM. Lawn area.** Any area of a property, including vacant lots, where lawn grasses are used as ground cover, or where the ground covering vegetation does not permit passage to substantial portions of the property without walking directly on the vegetation.

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- NN. Lawn grass.** Varieties of grass that were planted, or are commonly sold, for the purpose of maintaining a mowed lawn.
- OO. Maintenance.** The work of keeping property in proper condition to perpetuate its use.
- PP. Maintained compost area.** A small portion of a property set aside for the purpose of encouraging the rapid decomposition of yard debris and other vegetable matter into a suitable fertilizer for the soil on the property. A maintained compost area shows clear indicators that the yard debris placed there is being actively managed to encourage its rapid decomposition. Possible signs of such active management may include evidence of regular turning, a mixture of yard debris types, any woody materials present having been chopped into small sizes, and the presence of internal heat in the composting mixture. A location where yard debris is placed primarily as a means to store it or dump it without reasonable expectation of rapid decomposition is not a maintained compost area.
- QQ. Manufactured Dwelling.** See Dwelling Classifications.
- RR. Motel.** See Dwelling Classifications.
- SS. Naturescape.** Landscaping and gardening approaches that use predominately native plants for the purpose of creating improved outdoor habitat for native insects, birds, and mammals and reducing the need for pesticides, chemical fertilizers, and summer watering.
- TT. Nuisance Abatement Warrant.** An order from the Circuit Court authorizing the removal and abatement of any nuisance as authorized by this Title, including disposal of the nuisance items removed in an appropriate manner.
- UU. Occupancy.** The lawful purpose for which a building or part of a building is used or intended to be used.
- VV. Occupant.** Any person (including an owner or operator) using a building, or any part of a building, for its lawful, intended use.
- WW. Operator.** Any person who has charge, care or control of a building or part of a building in which dwelling units are let or offered for occupancy.
- XX. Outdoor area.** All parts of property that are exposed to the weather including the exterior of structures built for human occupancy. This includes, but is not limited to, vehicles parked on the property; open and accessible porches, carports, garages, and decks; accessory structures, and any outdoor storage structure.

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- YY. Owner.** The person whose name and address is listed as the owner of the property by the County Tax Assessor on the County Assessment and Taxation records.
- ZZ. Plumbing or Plumbing Fixtures.** Plumbing or plumbing fixtures mean any water heating facilities, water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, gas, sewer, or vent lines.
- AAA. Property.** Any real property and all improvements, buildings or structures on real property, from property line to property line.
- BBB. Public right-of-way.** Any sidewalk, planting strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use.
- CCC. Repair.** The reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.
- DDD. Resident.** Any person (including owner or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.
- EEE. Residential Property.** Real property and all improvements or structures on real property used or intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this chapter and any mixed-use structures which have one or more dwelling units. Hotels that are used exclusively for transient occupancy, as defined in this Title, are excluded from this definition of residential property.
- FFF. Residential Rental Property.** Any property within the City on which exist one or more dwelling units which are not occupied as the principal residence of the owner.
- GGG. Residential Structure.** Any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. This includes any dwelling as defined in this Title.
- HHH. Shall.** As used in this Title, is mandatory.
- III. Single-Family Dwelling.** See Dwelling Classifications.
- JJJ. Single-Room Occupancy Housing Unit.** See Dwelling Classifications.

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- KKK. Sink.** A fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.
- LLL. Sleeping Room.** Any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.
- MMM. Stagnant Water.** Any impoundment of water in which there is no appreciable flow of water through the impoundment and the level of water does not vary during any 48-hour period.
- NNN. Street.** Includes any street, avenue, boulevard, alley, lane, bridge, bicycle path, road, walk, public thoroughfare or public way, and any land over which a right of way has been obtained, or granted and accepted for any purpose of public travel, including all area between property lines, and area dedicated to street use.
- OOO. Structure.** That which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner.
- PPP. Summary Abatement.** Abatement of a nuisance by the City, or by a contractor hired by the City, without obligation to give prior notice of the abatement action to the owner or occupant of the property.
- QQQ. Supplied.** Installed, furnished or provided by the owner or operator.
- RRR. Swimming Pool.** Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above ground and on-ground swimming pools, hot-tubs and spas.
- SSS. Toilet.** A flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.
- TTT. Toilet Compartment.** A room containing only a toilet or only a toilet and lavatory.
- UUU. Transient Occupancy.** Occupancy of a dwelling unit in a hotel where the following conditions are met:
1. Occupancy is charged on a daily basis and is not collected more than six days in advance;
 2. The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy;

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3. The period of occupancy does not exceed 30 days; and
4. If the occupancy exceeds five days, the resident has a business address or a residence other than at the hotel.

VVV. Two-Family Dwelling. See Dwelling Classifications.

WWW. Unsecured. Any structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

XXX. Vehicle. Any device in, on, upon, or by which any person or property is or may be transported or drawn upon a public highway, except a device moved by human power or used exclusively upon stationary rails or tracks, including but not limited to a body, an engine, a transmission, a frame, or other major part.

YYY. Warehousing. Securing a structure against vandalism, deterioration, and unauthorized entry pending its return to active use or occupancy.

ZZZ. Yard. An open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated.

Chapter 29.20

PROPERTY NUISANCES

Sections:

- 29.20.010 Outdoor Maintenance Requirements.
- 29.20.020 Other Endangering Conditions.
- 29.20.030 Nuisance Defined, Summary Abatement Authorized

29.20.010 Outdoor Maintenance Requirements.

(Amended by Ordinance Nos. 176381, 180330 and 183534, effective July 1, 2010.) It is the responsibility of the owner of any property, improved or unimproved, to maintain the outdoor areas of the property and adjacent rights of way in a manner that complies with the following requirements:

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- A. Holes, tanks, and child traps.** Remove, or fill where filling will abate the nuisance, all holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, refrigerators, freezers, or iceboxes with unlocked attached doors and any other similar substance, material or condition which may endanger neighboring property or the health or safety of the public or the occupants of the property.
- B. Unsecured structures.** Board over or otherwise secure, and keep boarded over or otherwise secured, all open or broken exterior doors, windows, or apertures of any structure so as to prevent access by unauthorized persons through such openings.
- C. Rat harborage.** Remove or repair, and keep removed or repaired, any condition that provides a place where rats gain shelter, feed, or breed.
- D. Emergency access routes.** Remove and keep removed all brush, vines, overgrowth and other vegetation located within 10 feet of a structure or within 10 feet of a property line which is likely to obstruct or impede the necessary passage of fire or other emergency personnel.
- E. Thickets that conceal hazards.** Cut and remove and keep cut and removed all blackberry vines and other thickets when such growth is found to be:
1. Concealing trash and debris; or
 2. Creating rat harborage; or
 3. Creating harborage for people involved in criminal activity or for products used for criminal activity.
- F. Overgrown lawn areas.** Cut and remove and keep cut and removed all weeds and grass that are located in lawn areas and have a prevailing height of more than 10 inches.
- G. Nuisance Plants.** Eradication, as defined in 29.10.020 V., is required of all plants identified on the Nuisance Plants List. The Director shall adopt administrative rules detailing implementation and enforcement of this provision.
- H. Trash and debris.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:
1. All garbage, offal, dead animals, animal and human waste, and waste materials (All garbage shall be stored as specified in Section 29.30.140);

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2. Accumulations of litter, glass, scrap materials (such as wood, metal, paper, and plastics), junk, combustible materials, stagnant water, or trash;
 3. All dead bushes, dead trees, and stumps with the exception of such material which:
 - a. Is being maintained as part of a naturescaped property;
 - b. Does not result in a nuisance as otherwise defined in this chapter; and
 - c. Is located on a property which is otherwise substantially in compliance with this chapter;
 4. All trees which are dying and are determined by the City Forester to require removal in order to safeguard people or property;
 5. Accumulations of dead organic matter and yard debris, with the exception of small accumulations of such material in a maintained compost area on the property and only if such material does not result in a nuisance, such as creating rat harborage, as otherwise defined in this chapter; and
 6. Accumulations of clothing and any other items not designed for outdoor storage.
- I. Storage of non-trash items.** Remove, and keep removed, unless specifically authorized by ordinance to do otherwise:
1. Accumulations of wood pallets.
 2. All firewood that is not stacked and useable. “Useable” firewood has more wood than rot and is cut to lengths that will fit an approved fireplace or wood stove on the property.
 3. Accumulations of vehicle parts or tires.
 4. All construction materials, except those that are stored in a manner to protect their utility and prevent deterioration and are reasonably expected to be used at the site.
 5. All appliances or appliance parts except for storage of appliances that are reasonably expected to be used at the site and are stored in a manner to protect their utility and prevent deterioration.

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6. All indoor furniture except that which is stored in a manner to protect its utility and prevent deterioration and is reasonably expected to be used at the property.
 7. All recycling materials except for reasonable accumulations (amounts consistent with a policy of regular removal) that are stored in a well-maintained manner.
 8. All other non-trash items which:
 - a. Are of a type or quantity inconsistent with normal and usual use; or
 - b. Are likely to obstruct or impede the necessary passage of fire or other emergency personnel.
- J. Disabled vehicles.** Neither store nor permit the storing of a disabled vehicle for more than 7 days unless the vehicle is enclosed within a legally permitted building or unless it is stored by a licensed business enterprise dealing in junked vehicles lawfully conducted within the City. Removal and disposition of such disabled vehicles shall be in accordance with the provisions of Section 16.30.320, 16.30.340, 16.30.350 and 16.30.500 of the Code to the extent that such provisions are applicable.
- K. Obstructions to sidewalks, streets, and other rights of way.** Keep the adjacent rights of way free of anything that obstructs or interferes with the normal flow of pedestrian or vehicular traffic, unless specifically authorized by permit or ordinance to do otherwise. This responsibility includes, but is not limited to, removal of earth, rock, and other debris, as well as projecting or overhanging bushes and limbs that may obstruct or render unsafe the passage of persons or vehicles. This responsibility also includes, but is not limited to, the obligation to maintain all rights of way referenced in this subsection to meet the following minimum clearances:
1. **Sidewalks.** All sidewalks must be clear of obstructions by earth, rock, or vegetation from edge to edge and to an elevation of 7-1/2 feet above sidewalk level. For example, bushes that encroach on or over any part of a sidewalk area must be cut back or removed and limbs of trees that project over the sidewalk area at an elevation of less than 7-1/2 feet above the sidewalk level must be removed.
 2. **Improved streets.** All improved streets must be clear of obstructions to vehicle movement and parking from edge to edge and to an elevation of 11 feet above street level. For example, bushes that encroach on or over any part of a street must be cut back or removed; limbs of trees that

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project over a street at an elevation of less than 11 feet above street level must be removed; and no wires or other things shall be maintained over the street level at any elevation less than 11 feet.

- 3. Alleys and unimproved rights of way.** All alleys, unimproved streets, and other public rights of way must be clear of obstructions that may hinder the normal flow of traffic or render the right of way unsafe for its current and necessary use.

29.20.020 Other Endangering Conditions.

(Amended by Ordinance Nos. 176381 and 183397, effective January 8, 2010.) It is the responsibility of the owner of any property, improved or unimproved, to remove or repair:

- A.** Any damage to or failure of an on-site sewage disposal system, private or common private sewer lines, or rain drain system, and
- B.** Any other substance, material or condition that is determined by the Director to endanger neighboring property, the health or safety of the public, or the occupants of the property.

29.20.030 Nuisance Defined, Summary Abatement Authorized.

(Amended by Ordinance No. 180330, effective August 18, 2006.) All conditions in violation of Sections 29.20.010 and 29.20.020 of this Title shall constitute a nuisance. Any person whose duty it is to correct such conditions and who fails to do so shall be subject to charges according to the Fee Schedule approved by the City Council. In cases where the Director determines that it is necessary to take immediate action in order to meet the purposes of this Title, summary abatement of such nuisances is authorized.

TITLE 30
AFFORDABLE HOUSING

Chapter 30.01	AFFORDABLE HOUSING PRESERVATION
30.01.010	Policy.
30.01.020	Intent.
30.01.030	Definitions.
30.01.040	Title 30.01 Responsibilities.
30.01.050	Federal Preservation Projects - City Notice and Preservation Opportunities.
30.01.060	Federal Preservation Projects - Tenant Provisions.
30.01.070	Federal Preservation Projects - Civil Fines.
30.01.080	Local Preservation Projects - Tenant and City Notice Provisions.
30.01.090	City Subsidy Properties - Long-Term Affordability Requirements.
30.01.095	Partial and Full Exemptions of System Development Charges for Affordable Housing Developments.
30.01.100	Compliance and Enforcement.
30.01.110	No Restriction of Powers of Eminent Domain; Severability.

Chapter 30.01

**AFFORDABLE
HOUSING PRESERVATION**

(New Title added by Ordinance No.
172844, effective November 4, 1998)

Sections:

- 30.01.010 Policy.
- 30.01.020 Intent.
- 30.01.030 Definitions.
- 30.01.040 Title 30.01 Responsibilities.
- 30.01.050 Federal Preservation Projects - City Notice and Preservation Opportunities.
- 30.01.060 Federal Preservation Projects - Tenant Provisions.
- 30.01.070 Federal Preservation Projects - Civil Fines.
- 30.01.080 Local Preservation Projects - Tenant and City Notice Provisions.
- 30.01.090 City Subsidy Properties - Long-Term Affordability Requirements.
- 30.01.095 Partial and Full Exemptions of System Development Charges for Affordable Housing Developments.
- 30.01.100 Compliance and Enforcement.
- 30.01.110 No Restriction of Powers of Eminent Domain; Severability.

30.01.010 Policy.

It is the policy of the City of Portland that publicly assisted rental housing affordable to low and moderate income persons and households should be preserved as a long-term resource to the maximum extent practicable, and that tenants of such properties should receive protections to facilitate securing new housing should the affordable units be converted to market rate units or otherwise be lost as a resource for low and moderate income housing.

30.01.020 Intent.

The intent of this Title is to protect the availability of publicly assisted affordable housing for low and moderate income households by: providing for notice to the City and tenants when transitions from current assistance programs and/or affordable housing uses are planned; providing purchase opportunities for the City to attempt to preserve the affordable housing while respecting ownership interests of building owners; providing tenant relocation assistance when the affordable housing is converted; and, ensuring long term affordability in future projects that the City assists with public financing designed to create or preserve affordable housing.

TITLE 30

AFFORDABLE HOUSING

30.01.030 Definitions

- A. **“Affordable housing.”** The term “affordable housing”, “affordable rental housing” or “housing affordable to rental households” means that the rent is structured so that the targeted tenant population pays no more than 30% of their gross household income for rent and utilities. The targeted tenant populations referred to in this section include households up to 80% of area median family income.
- B. **“BHCD.”** The City of Portland’s Bureau of Housing and Community Development.
- C. **“City Subsidy.”** Locally controlled public funds administered by the Portland Development Commission, the Bureau of Housing and Community Development, or other City bureau or agency, allocated for the purpose of creating or preserving affordable rental housing to households below 80% of median family income. City subsidies may be provided to developers through direct financial assistance such as low interest or deferred loans, grants, equity gap investments, credit enhancements or loan guarantees, or other mechanisms.
- D. **“City Subsidy Projects.”** Privately owned properties of five or more units which receive a City subsidy after the effective date of Title 30.01 through programs designed to create or preserve rental housing affordable at or below 80% of area median family income.
- E. **“Commercial Market Compatible Offer.”** A fair market value purchase offer made by the City or its designee which is consistent with the terms and conditions which would be made by a buyer on the open market such that a seller negotiating with the City on such terms would not experience any significant disadvantage as compared to a market rate transaction with a private party.
- F. **“Fair Market Value.”** The amount of money in cash that real property would bring in the open market if it were offered for sale by one who desired, but was not obligated to sell, and was bought by one willing but not obliged to buy. It is the actual value of the property on the date when a City offer pursuant to Title 30.01.050 is made. As may be further refined by BHCD through its Administrative Procedures developed in reference to the Uniform Standards of Professional Appraisal Practice, the Oregon Uniform Trial Instructions, and relevant case law, fair market value is based on the best and highest use of the property, which may be greater than the use being made of the property by the current owner. However, fair market value does not include speculative value, or possible value based on future expenditures and improvements, or potential

changes in applicable zoning regulations or laws, which are not reasonably probable. Fair market value includes assessment of environmental, structural or mechanical information derived from inspections or other due diligence activities.

- G. “Federal Preservation Projects.”** Properties having project-based rental assistance contracts for some or all of the units (such as Section 8 and Project Rental Assistance Contracts) including those developed under a variety of HUD mortgage assistance and interest rate reduction programs. Federal preservation projects include properties with loans, contracts, or insurance under the following federal subsidy programs: section 221(d)(4) with project-based Section 8; Section 202; Section 236(J)(1); Section 221(D)(3) BMIR; Section 221(D)(3) MIR; Section 811; Project based Section 8 contracts administered through HUD, Oregon Housing and Community Services, or the Housing Authority of Portland; Project Rental Assistance Contracts (PRAC); LIHPRHA capital grant program; and Section 241(f) preservation grant. An updated list of all known Federal Preservation Projects will be maintained and available upon request to the public.
- H. “HUD.”** The United States Department of Housing and Urban Development
- I. “Involuntary Displacement.”** Tenants of Federal Preservation Projects are considered to be involuntarily displaced if:
1. They are served a notice to vacate the property for reasons other than just cause as defined herein; or
 2. They are not offered a one year lease under their tenant based voucher by the property owner; or
 3. They are offered a one year lease under their tenant based voucher, but are required to pay as rent and utilities an amount greater than the tenant contribution to rent (and utilities) in effect under the project-based Section 8 contract, and they then choose to move from the property rather than enter into a lease under the voucher. This form of displacement is referred to as “economic displacement.”
- J. “Just Cause Eviction.”** Evictions for serious or repeated violations of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State or local law, or other good cause (ORS 90.400).
- K. “Local Preservation Projects.”** Properties with 10 or more rental units which received financial assistance (from the programs listed below), to create or preserve housing serving households below 80% of median family income since January 1, 1988 and through the effective date of Title 30.01, which have affordability restrictions that are still in force as of the effective date of Title

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30.01. Financial assistance programs include subsidies from the City of Portland through the Portland Development Commission (Rental Housing Development Loan Program, Investor Rehabilitation Loan Program, Rental Rehabilitation Loan Program, or Downtown Housing Preservation Program), and/or from the State of Oregon Housing and Community Services Department (Housing Development Grant Program, Oregon Affordable Housing Tax Credit Program, and the former Oregon Lenders Tax Credit Program, Risk Sharing Bond program, Elderly and Disabled Bond Program), and/or which have received bond financing issued by the Housing Authority of Portland or the Portland Development Commission. An updated list of all known Local Preservation Projects will be maintained and available upon request to the public.

- L. “Low Income.”** Low income individuals, households or tenants are those with a gross household income below 50% of the area median family income.
- M. “MFI.”** Median family income for the Portland Metropolitan Statistical Area as defined by HUD as adjusted for inflation and published periodically.
- N. “Moderate Income.”** Moderate income individuals, households or tenants are those with a gross household income below 80% of the area median family income.
- O. “Opt Out.”** An owner’s non-renewal of an available project-based Section 8 contract in a Federal Preservation Project. Owners may consider “opting out” when they contemplate conversion to open market rental housing, other housing or commercial uses, or a sale of the property.
- P. “PDC.”** Portland Development Commission
- Q. “Preservation Process.”** The requirements contained in 30.01.050 - 30.01.070 for Federal Preservation Projects and in 30.01.080 for Local Preservation Projects respectively.
- R. “Qualifying Household.”** A household legally residing in a federal preservation project with a gross household income at or below 50% of median family income.

30.01.040 Title 30.01 Responsibilities

The Bureau of Housing and Community Development will have primary responsibility for implementation of Title 30.01. This responsibility will include the development and administration of operating procedures, and taking any and all City actions referenced herein as may be necessary for implementation of the requirements of this Title. The Portland Development Commission will work with the Bureau of Housing and

Community Development to implement property acquisition responsibilities described in this Title. The Portland Development Commission is also expected to develop strategies to implement the 60-year affordability requirements in 30.01.090.

30.01.050 Federal Preservation Projects - City Notice and Preservation Opportunities
(Replaced by Ordinance No. 174180, effective March 17, 2000.)

- A.** Owners of Federal Preservation Projects must provide the City and each building tenant with a one year's notice of a pending HUD Section 8 contract expiration. In order to facilitate the owner's knowledge of the City's interest in notification, BHCD shall provide written confirmation of the City's interest in the property to each Section 8 property within the City of which BHCD is aware.
- B.** Owners of Federal Preservation Projects who have decided to "opt out" must provide to the City a notice of 210 days of intent to do so if the owner is opting out of a long-term contract, and 150 days if the owner is opting out of a one-year extension to a long-term contract. The notice shall specify: (1) whether the owner intends to withdraw the property from the Section 8 program; (2) whether the owner intends to convert the participating property to a nonparticipating use; and (3) whether the owner is involved in negotiations with HUD or the Housing and Community Services Department regarding an extension of an expiring contract.
- C.** Owners of Federal Preservation Projects who have decided to "opt out" must consent to reasonable inspection of the property and inspection of the owner reports on file with HUD or the State of Oregon Housing and Community Services Department. These inspections are designed to facilitate the City's ability to assess the fair market value of the property and evaluate status of the tenants, viability of transfer and/or continuation of a Section 8 agreement with HUD and other pertinent information.
- D.** To the extent allowed by HUD, owners of Federal Preservation Projects must maintain an available HUD Section 8 contract in good standing during the notice periods identified in this chapter as well as any condemnation proceeding commenced under ORS Chapter 35.
- E.** Owners of Federal Preservation Projects must refrain from taking any action, other than notifying HUD of the owner's intention to not renew the contract, that would preclude the City or its designee from succeeding to the contract or negotiating with the owner for purchase of the property during the notice periods identified in this Chapter as well as any condemnation proceeding commenced under ORS Chapter 35.

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- F.** In addition to any other times, during the notice periods identified in this Chapter, the City may pursue preservation of the Project through negotiation for purchase or through condemnation under ORS Chapter 35.

30.01.060 Federal Preservation Projects - Tenant Provisions

(Replaced by Ordinance No. 174180, effective March 17, 2000.)

- A.** Owners of Federal Preservation Projects who have decided to “opt out” must provide to each affected building tenant a notice of 210 days of intent to do so if the owner is opting out of a long-term contract, and 150 days if the owner is opting out of a one-year extension to a long-term contract. The notice shall specify: (1) whether the owner intends to withdraw the property from the Section 8 program; (2) whether the owner intends to convert the participating property to a nonparticipating use; and (3) whether the owner is involved in negotiations with HUD or the State of Oregon Housing and Community Services Department regarding an extension of an expiring contract
- B.** Owners of Federal Preservation Projects who have decided to “opt out” may not disturb any tenancy other than for cause defined in the contract, for a period of 180 days after expiration of the contract, if the City has paid or arranged to pay to the owner on the first day of each month, the monthly subsidy that the owner was receiving under the contract.
- C.** BHCD shall identify and make available adequate financial resources for tenant relocation assistance for all tenants who experience involuntary displacement from Federal Preservation Properties. BHCD shall request voluntary contributions to a tenant relocation fund. from owners of Federal Preservation Projects who have decided to “opt out.”

30.01.070 Federal Preservation Projects - Civil Fines

(Replaced by Ordinance No.174180, effective March 17, 2000.)

- A.** An owner who fails to comply with any of the requirements specified in PCC 30.01.050 (A.-E.), tenant notice requirements in 30.01.060 A., or BHCD procedures implementing those specified provisions of this Chapter, shall pay a civil fine. The fine shall be calculated in relation to the costs and damages caused by the owner’s failure to comply, up to full replacement costs of each project-based Section 8 housing unit lost. Such civil fines shall be payable into a housing replacement fund to be established and managed by the City. If the civil fine is not received within the timeframes specified in the Administrative Procedures developed by BHCD, the City may commence enforcement proceedings.
- B.** Any civil fines received shall be used only for creating replacement housing serving households at or below 50% MFI.

30.01.080 Local Preservation Projects - Tenant and City Notice Provisions.

- A.** When the owner of a Local Preservation Project takes action which will make the affordable housing no longer affordable, whether the affordability requirements which were established under prior agreement with the City, PDC or State have expired or are still in effect, the owner must provide a notice of 90 days to the City. The notice shall meet standards developed by BHCD. During the 90-day notification period, the owner may not sell or contract to sell the property, but may engage in discussions with other interested parties. Within this period, the City or its designee may make an offer to purchase or attempt to coordinate a purchase by an owner committed to maintaining affordability.
- B.** Owners of Local Preservation Projects who have decided to take action described in 30.01.080 A., must provide a notice of 90 days to tenants. This shall be in addition to the City notice to be provided to the City under 30.01.080 A. During this notice period the Owner may not initiate a no-cause eviction. The notice must meet standards developed by BHCD.

30.01.090 City Subsidy Properties - Long-Term Affordability Requirements.

- A.** Properties that in the future request and receive a City subsidy from PDC or other City bureau or agency for the purpose of creating or preserving rental housing affordable to households below 80% of median family income, will be subject to a minimum of 60 year affordability contract requirements developed by PDC consistent with the implementing charge in 30.01.090 B.
- B.** All City Bureaus and agencies administering affordable rental housing subsidy programs will be responsible for implementing this section. As the primary agency charged by the City to negotiate and confer affordable housing subsidies, PDC will develop implementing strategies consistent with the 60 year affordability principles contained in this section, the Administrative Procedures Implementing Title 30.01 and the approved 1998/99 Consolidated Plan, Principle III (Ordinance No. 172259).

30.01.095 Partial and Full Exemptions of System Development Charges for Affordable Housing Developments.

(Added by Ordinance No. 183448, effective July 1, 2010.)

- A.** The purpose of this section is to reduce the costs of developing permanent affordable housing by waiving system development charges for qualified affordable housing developments. This section advances a Council-recognized

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public policy goal to provide for a diversity of housing types to meet the needs of the citizens of the City.

- B.** The City will exempt qualified affordable housing developments from paying all or part of system development charges required by this Code. The Applicant must apply for exemptions under this Section prior to the date the City issues the permit on the new development. The City may reject applications received after the date of the first occupancy permit. Where new development consists of only part of one or more of the uses described in this section, only that portion of the development that qualifies under this Section is eligible for an exemption. The balance of the new development that does not qualify for any exemption under this Section is subject to system development charges to the full extent authorized by Code or general ordinance. The Applicant has the burden to prove entitlement to exemptions so requested.
- C.** To obtain the exemption, the applicant must present to the City, at the time of Application, documentation from Portland Development Commission that the development qualifies for the exemption pursuant to this Chapter. Applicant must also pay an administration fee per unit on rental and/or owner-occupied units as determined by the Portland Housing Bureau.
- D.** The City shall calculate exemptions in the manner authorized for calculating system development charges rented and owner-occupied residential properties. Non-residential properties or the non-residential portion of mixed-use developments are not eligible for exemptions provided by this Section.
- E.** The City shall require the recording of real property covenants in the deed records for properties receiving exemptions under this Section in order to ensure compliance, or to provide remedies for failure to restrict units, or both. Deed restrictions may be used by the Portland Development Commission in order to restrict sale prices and rents charged for exempt units, or to provide remedies for failure to restrict units, or both.
- F.** Applicants shall meet the following affordable housing qualifications to be exempt from paying all or a portion of system development charges:

 - 1.**

 - a.** For purposes of this Section, "affordable" for rental housing means that the rent and expenses associated with occupancy such as utilities or fees, does not exceed 30 percent of the gross household income at the level of the rent restrictions.

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- b.** "Affordable" for ownership units means affordable to households earning at or below 100 percent of area median income and shall be sold to persons or households whose incomes are at or below 100 percent of area median family income for a family of four as determined annually for the Portland Metropolitan Area by the U.S. Department of Housing and Urban Development as adjusted upward for a household of more than four persons.
- 2.** Rental Units: The units receiving an exemption shall be affordable to households earning 60 percent or less of area median family income at time of occupancy and shall be leased, rented or made available on a continuous basis to persons or households whose incomes are 60 percent or less of area median family income, as adjusted by household size and as determined by the U.S. Department of Housing and Urban Development for the Portland Metropolitan Area. Such units shall remain affordable for a period of 60 years.
- 3.** Owner-Occupied Units.
 - a.** The units receiving an exemption shall be affordable to households earning at or below 100 percent of area median income and shall be sold to persons or households whose incomes are at or below 100 percent of area median family income for a family of four as determined annually for the Portland Metropolitan Area by the U.S. Department of Housing and Urban Development adjusted upward for a household larger than four persons; and
 - b.** The units fall within the price limit as provided by Section 3.102.090 D.
- 4.** Pursuant to Section 30.01.040, the Portland Housing Bureau and Portland Development Commission are responsible for enforcing property covenants and other agreements with applicants that are conditions of receiving exemptions provided by this Section.
 - a.** In addition to specific covenants and agreements required by the City as a condition of approval of an exemption application, qualified rental developments must adhere to the 60-year affordability requirements for rental housing developments, including qualifying requirements related to rents and occupancy.
 - b.** In addition to specific covenants and agreements required by the City as a condition of approval of an exemption application, a

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qualifying ownership project must comply with applicable recapture or retention covenants.

- c.** In the event that an applicant violates the covenants, agreements or other requirements that were established by the City as a condition of approval of an exemption application, the City shall terminate the exemption and make due and payable all previously exempt portions of system development charges at rates in effect on the date of the submittal of a complete exemption application, plus accrued interest calculated based on the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140, and a processing fee of \$250.
- d.** For rental properties, if the exemption terminates within five years of initial building permit issuance, additional charges will be due and owing. These charges include a processing fee of \$250, and accrued interest from the date of the issuance of the building permit to the date of the termination of the exemption. The reinstated system development charges shall be determined based on rates in effect on the date of the submittal of a complete building permit application. Accrued interest shall be calculated based on the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140. The City may collect reinstated system development charges, processing fees, carrying charges and the actual costs of collections by recording a property lien pursuant to Title 22.
- e.** For owner occupied units, if the units is not sold to a qualifying household, additional charges will be due and owing prior to change of ownership. These charges include a processing fee of \$250, and accrued interest from the date of the issuance of the building permit to the date of the termination of the exemption. The reinstated system development charges shall be determined based on rates in effect on the date of the submittal of a complete building permit application. Accrued interest shall be calculated based on the interim interest rate in effect on the date of the termination of the exemption as set by general ordinance pursuant to Section 17.12.140. The City may collect reinstated system development charges, processing fees, carrying charges and the actual costs of collections by recording a property lien pursuant to Title 22.

30.01.100 Compliance and Enforcement.

- A.** BHCD shall develop and implement procedures to enforce the provisions of this code. Such procedures should include, where feasible, record notice of the applicability of this code to affected properties, filing a lien to enforce the provisions of this code, and developing civil penalties or other enforcement provisions necessary or appropriate to enforce this code.
- B.** The City Attorney's Office may enforce the provisions of this code on behalf of the City in any court of competent jurisdiction or City administrative body.

30.01.110 No Restriction of Powers of Eminent Domain; Severability

- A.** This Chapter shall not be construed to restrict the City's existing authority to exercise powers of eminent domain through condemnation as outlined in state law.
- B.** If any part or provision of this Chapter, or application thereof to any person or circumstance, is held invalid, the remainder of this Chapter and the application of the provision or part thereof, to other persons not similarly situated or to other circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Chapter are severable.

