

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, 2015
Previous Update Packet	June 30, 2015

CODE OF THE CITY OF PORTLAND, OREGON
Insertion Guide for Code Revisions
Office of the City Auditor 503-823-4082
3rd Quarter 2015 (September 30, 2015)

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2. Assist City agencies in determining priority needs of the Neighborhood; and,
3. Review items for inclusion in the City budget and make recommendations relating to budget items for Neighborhood improvement; and,
4. Undertake projects and activities deemed appropriate by the Neighborhood Association; and,
5. Cooperate with other Neighborhood Associations and ONI to create District Coalitions.

C. Responsibilities of Neighborhood Associations.

1. Neighborhood Associations shall abide by the Standards established by the Office of Neighborhood Involvement.
2. Neighborhood Associations shall make a reasonable effort to include affected City agencies in planning activities which affect Neighborhood livability.

D. Benefits to Neighborhood Associations.

1. Any Neighborhood Association meeting the minimum requirements established by 3.96.030, upon request, is entitled to formal recognition and benefits from the Office of Neighborhood Involvement pursuant to the adopted Standards.
2. If a Neighborhood Association fails to meet the minimum requirements of 3.96.030, the Office of Neighborhood Involvement may, pursuant to the adopted Standards, suspend partial or all benefits to that Neighborhood Association and may ultimately revoke formal recognition of that Neighborhood Association.

3.96.040 Functions of District Coalitions.

A District Coalition shall:

- A. Provide training and orientation, information and support services to Neighborhood Associations within the areas of Neighborhood Associations served;
- B. Facilitate communication between people and government;

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- C.** Promote public participation within the areas of Neighborhoods served on issues of livability, safety and public policy;
- D.** Promote, encourage and support the participation of members of diverse communities within the areas of Neighborhoods served;
- E.** Administer contracts or memorandums of understanding and operate the District Coalition in accordance with the adopted Standards; and
- F.** Abide by the Standards established by the Office of Neighborhood Involvement.

3.96.050 Responsibility of City Agencies.

- A.** City agencies shall notify all Neighborhood Associations affected by planning efforts or other actions affecting the livability of the Neighborhood(s).
- B.** City agencies shall include affected Neighborhood Associations and District Coalitions in planning efforts which affect neighborhood livability.
- C.** Notice of pending policy decisions affecting neighborhood livability shall be given to the Neighborhood Association(s) affected at least 30 days prior to final action on the decision by a City agency. If said 30 day period may injure or harm the public health, safety, welfare, or result in a significant financial burden to the City, this notice provision shall not apply.

3.96.060 Responsibilities of the Office of Neighborhood Involvement.

(Amended by Ordinance Nos. 186216 and 187359, effective September 30, 2015.) There is hereby established and created an Office of Neighborhood Involvement which shall consist of a Director and such other employees as the Council may from time to time provide. In order to facilitate participation and improved communication between the public, Neighborhood Associations, Business District Associations, District Coalitions and the City, the Office of Neighborhood Involvement shall:

- A.** Assist Neighborhood Associations, District Coalitions and others in planning and developing programs for public involvement, crime prevention, dispute resolution and budget review;
- B.** Act as an information clearinghouse and resource to Neighborhood and Business Associations, other groups and the public;
- C.** Notify interested persons of meetings, hearings, elections and other public participation events of the Office of Neighborhood Involvement neighborhood system;

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- D.** Enter into, monitor, administer contracts, and memorandums of understanding for Neighborhood Associations through District Coalitions;
- E.** Promote and facilitate open communication and notification from City agencies to Neighborhood Associations, District Coalitions, and Business District Associations, promote and facilitate communication amongst City agencies about public involvement best practices and policy;
- F.** Support and promote public involvement within the Neighborhood Association framework;
- G.** Adopt and revise such Standards as are deemed necessary for the implementation of this Chapter and for orderly public involvement in City government through Neighborhood Associations and District Coalitions. In so doing, the Office of Neighborhood Involvement shall seek representation from Neighborhood Associations, District Coalitions, Business District Associations, diverse community interests, city agencies that engage in considerable public involvement activities, and other interested people as necessary;
- H.** Pursuant to the adopted Standards, formally recognize a Neighborhood Association and/or acknowledge a Business District Association. If a Neighborhood Association or Business District Association fails to meet the minimum requirements of chapter 3.96, the Office of Neighborhood Involvement may suspend partial or all benefits and may ultimately revoke formal recognition of a Neighborhood Association or acknowledgement of a Business District Association;
- I.** Promote, encourage and support diverse and multicultural public involvement;
- J.** Establish open and fair grievance procedures for Neighborhood Associations, District Coalitions, and the Office of Neighborhood Involvement;
- K.** Establish open meetings and public records standards for Neighborhood Associations and District Coalitions;
- L.** Administer and enforce City Code Title 18, Noise Control; and
- M.** Other duties as assigned to the Office by Council.

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Chapter 3.98

TOWING BOARD OF REVIEW

(Chapter added by Ordinance No. 138941,
effective October 10, 1974.)

Sections:

- 3.98.010 Created - Organization.
- 3.98.020 Procedure and Rules.
- 3.98.030 Staff.
- 3.98.040 Contracts - Rates.
- 3.98.050 Eligibility.
- 3.98.060 Powers of Board.
- 3.98.080 Appeals.

3.98.010 Created - Organization.

(Amended by Ordinance Nos. 143364, 149583, 157639, 168911, 172488 and 186746 effective August 6, 2014.)

- A.** There hereby is created a Towing Board of Review, hereinafter referred to as the Board, consisting of eight voting members and two nonvoting members. A quorum of the Board shall consist of five voting members.
- B.** The voting members of the Board shall be: the Director of the Portland Bureau of Transportation or an appropriate designee; the Executive Director of the Port of Portland or appropriate designee; the Chief of Police or an appropriate designee; the Traffic Engineer or appropriate designee; the Sheriff of Multnomah County or an appropriate designee; and three members of the general public with no affiliation with the towing industry, appointed by the Mayor, subject to confirmation by the City Council to serve for a period of 2 years. The Mayor shall designate one of the eight voting members to serve as the Chair, who shall so serve at the Mayor's pleasure.
- C.** The two nonvoting members shall be representatives of the towing industry appointed by the Mayor to serve for 1 year subject to confirmation by the Council.
- D.** All members of the Board shall serve without pay, except that they may receive their regular salary during the time spent on matters of the Board. A vacancy on the board shall be filled in accordance with the appointment procedures described above.

- C. Single-unit housing not meeting the exemption requirements by selling over the established sale price at initial sale will have the tax exemption terminated according to Section 3.102.080 and require the applicant to repay any exempted taxes consistent with ORS 307.687.

3.102.070 Designation of Homebuyer Opportunity Areas.
(Repealed by Ordinance No. 186700, effective July 1, 2014.)

3.102.080 Termination of the Exemption.
If the Portland Housing Bureau determines that the single-unit housing fails to meet any of the provisions of ORS 307.651 to 307.687 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.681 through 307.687.

3.102.090 Implementation.
Portland Housing Bureau may adopt, amend and repeal the administrative rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

**TITLE 3
ADMINISTRATION**

Chapter 3.103

**PROPERTY TAX EXEMPTION FOR
MULTIPLE-UNIT HOUSING DEVELOPMENT**

(Chapter replaced by Ordinance No. 187283,
effective August 5, 2015.)

Sections:

3.103.010	Purpose.
3.103.020	Definitions.
3.103.030	Benefit of the Exemption; Annual Maximum Exemption Amount.
3.103.040	Program Requirements.
3.103.050	Application Review.
3.103.060	Application Approval.
3.103.070	Rental Project Compliance.
3.103.080	For-Sale Unit Compliance.
3.103.090	Extension of the Exemption for Low Income Housing Projects.
3.103.100	Termination of the Exemption.
3.103.110	Implementation.

3.103.010 Purpose.

- A.** The City of Portland adopts the provisions of Oregon Revised Statutes 307.600 through 307.637, and administers a property tax exemption program for multiple-unit housing development authorized under those provisions.
- B.** In addition to meeting the legislative goals set forth in ORS 307.600, the program also seeks to accomplish the following additional core goals:
 - 1.** Stimulate the inclusion of affordable housing where it may not otherwise be made available.
 - 2.** Leverage market activities to advance housing and economic prosperity goals by aligning those activities with the goals of the Portland Plan and the Portland Housing Bureau's Strategic Plan.
 - 3.** Provide transparent and accountable stewardship of public investments.

3.103.020 Definitions.

As used in this Chapter:

- A.** “**Administrative Rules**” means the tax exemption program administrative rules developed by the Portland Housing Bureau and approved through City Council which set forth the program requirements, processes, and procedures.
- B.** “**Applicant**” means the individual or entity who is either the owner or a representative of the owner who is submitting an application for the tax exemption program.
- C.** “**Extended Use Agreement**” means a recorded agreement between the owner and the Portland Housing Bureau stating the approval and compliance criteria of a project’s tax exemption.
- D.** “**Multiple-unit housing**” has the meaning set forth in ORS 307.603(5).
- E.** “**Owner**” means the individual or entity holding title to the exempt project and is legally bound to the terms and conditions of an approved tax exemption, including but not limited to any extended use agreement and any compliance requirements under this Chapter.
- F.** “**Project**” means property on which any multiple-unit housing is located, and all buildings, structures, fixtures, equipment and other improvements now or hereafter constructed or located upon the property.

3.103.030 Benefit of the Exemption; Annual Maximum Exemption Amount.

- A.** Multiple-unit housing that qualifies for an exemption under this Chapter is exempt from property taxes to the extent provided under ORS 307.612 and the Administrative Rules.
- B.** However, the maximum amount of estimated foregone tax revenue provided as a benefit of the exemption under this Chapter may not exceed the amount approved by Council.

3.103.040 Program Requirements.

In order to be considered for an exemption under this Chapter, an applicant must verify by oath or affirmation in the application that the project meets the following program requirements as further described in the program Administrative Rules:

- A.** Financial need for the exemption
 - 1.** Rental projects. The project would not otherwise be financially feasible without the benefit provided by the property tax exemption.

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2. For-sale projects. The units receiving tax exemption will be sold to buyers meeting the affordability requirements contained in this Section.

B. Property eligibility

1. Projects must be located within identified Designated Plan Areas/Metro 2040 Centers, within a half mile radius of Max Station Areas, or within a quarter mile from either Metro 2040 Corridors with Frequent Transit Service or Metro 2040 Main Streets with Transit Service within the City of Portland.
2. Projects must conform to City of Portland's zoning and density requirements.

C. Affordability

1. For rental projects, during the term of the exemption, a minimum of 20 percent of the number of units must be affordable to households earning 60 percent or less of the area median family income, or affordable to households earning 80 percent or less of the area median family income based on the market for similar units in the same geographic area. The units meeting the affordability requirements must match the unit mix in the project as a whole in terms of number of bedrooms.
2. For projects containing for-sale units, those units receiving the exemption must not exceed the maximum price established under City Code Section 3.102.040 at initial sale and must sell to an initial homebuyer who income qualifies and occupies the unit as established under City Code Section 3.102.040. During the term of the exemption, the unit must be occupied by a homebuyer as established under City Code Section 3.102.040.

D. Equity

1. Applicants must consult with Portland Housing Bureau staff and a third party technical assistance provider prior to opening up bidding for the construction and prior to application. The application must include a description of strategies identified in coordination with the technical assistance provider that will be employed to promote Minority, Women, and Emerging Small Businesses (MWESB) in construction contracting in compliance with City policies. The contractor must work with the City of Portland's Procurement Services Compliance Specialist to track results.
2. Applicants must consult with Portland Housing Bureau staff to identify an intended population for lease-up or sale of the units in the project.

Applicants must commit to using Portland Housing Bureau's prescribed lease-up strategy.

- E.** Accessibility. At least 5 percent of the units in the project must be built to be adaptable to become fully ADA accessible.

3.103.050 Application Review.

- A.** The Portland Housing Bureau will review and approve or deny applications consistent with ORS 307.621.
- B.** Applications for tax exemption must be submitted and approved prior to issuance of the project's building permit.
- C.** Applications must include an application processing fee, to be established annually by the Portland Housing Bureau, including the fee to be paid to Multnomah County.

3.103.060 Application Approval.

- A.** The Portland Housing Bureau Investment Committee will review each application's eligibility
- B.** Portland Housing Bureau will present the eligible applications to the Portland Housing Advisory Commission at a public hearing, for which notice will be given and public testimony will be heard.
- C.** Portland Housing Bureau will take applications to City Council for approval in the form of an ordinance and deliver a list of the approved applications to Multnomah County within the timeframe set forth in ORS 307.621.
- D.** If construction of an approved project is not completed or an application for exemption is not received within the timeframe described in ORS 307.637, Portland Housing Bureau may extend the deadline consistent with ORS 307.634.

3.103.070 Rental Project Compliance.

- A.** The owner of a rental project approved for exemption will be required to sign an Extended Use Agreement to be recorded on the title to the property.
- B.** During the exemption period, the owner or a representative shall submit annual documentation of tenant income and rents for the affordable units in the project to the Portland Housing Bureau.

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3.103.080 For-Sale Unit Compliance.

- A.** Approved applicants must execute a document to be recorded on title of the project requiring Portland Housing Bureau verification of homebuyer affordability and owner-occupancy qualification prior to the sale of each for-sale unit to an initial homebuyer.
- B.** For-sale units which sell to homebuyers who do not meet the affordability or owner occupancy qualifications at initial sale will have the tax exemption removed as of the next tax year.
- C.** For-sale units which sell over the established sale price at initial sale will have the tax exemption terminated according to Section 3.103.100 and require the owner to repay any exempted taxes consistent with ORS 307.631.

3.103.090 Extension of the Exemption for Low Income Housing Projects.

Projects subject to a low income housing assistance contract may be eligible for extension pursuant to ORS 307.612.

3.103.100 Termination of the Exemption.

If the Portland Housing Bureau determines that the project fails to meet any of the provisions of ORS 307.600 to 307.637 or this Chapter, the Portland Housing Bureau will terminate the exemption consistent with ORS 307.627.

3.103.110 Implementation.

Portland Housing Bureau may adopt, amend and repeal the Administrative Rules, and establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.

Chapter 3.104

**PROPERTY TAX EXEMPTION FOR
NEW, MULTIPLE-UNIT HOUSING**

(Chapter repealed by Ordinance No. 185477,
effective August 1, 2012.)

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Chapter 3.105

BULL RUN ADVISORY COMMITTEE

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

Chapter 3.106

**EXPOSITION-RECREATION
COMMISSION**

(Chapter added by Ordinance No. 143806,
effective June 15, 1977.)

Sections:

- 3.106.010 Commission Action.
- 3.106.020 Filing Copies of Resolutions with City Auditor.
- 3.106.030 Council Review.
- 3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.
- 3.106.050 Council Initiation of Exposition - Recreation Commission Action.
- 3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

3.106.010 Commission Action.

All action by the Exposition - Recreation Commission shall be by resolution adopted in accordance with the Commission's bylaws.

3.106.020 Filing Copies of Resolutions with City Auditor.

Within 5 days after the passage of any resolution, the Exposition - Recreation Commission shall file a copy of the resolution with the City Auditor, who shall maintain a special record of the Exposition - Recreation Commission's resolutions which shall be accessible to the public under like terms as ordinances of the City of Portland. Except as provided in Section 3.106.040, no resolution of the Exposition - Recreation Commission shall become effective until 5:00 p.m. on the 10th day following the filing of a copy thereof with the City Auditor.

3.106.030 Council Review.

Except as provided in Section 3.106.040, resolutions of the Commission shall not become effective, if, within 10 days after the filing by the Exposition - Recreation Commission of a copy of a resolution with the City Auditor, a member of the City Council files a request with the Auditor for City Council review of the Commission action. Upon receipt of a request for City Council review of Commission action, the City Auditor shall forthwith notify the General Manager of the Exposition - Recreation Commission of the request for review and shall deliver to him a copy of the request for review. The Auditor shall place the resolution on the Council agenda for Council review at the next regular Council meeting. In placing the resolution on the Council calendar, the Auditor shall act consistently with the regular filing deadline for Council calendar items established by this Code; provided, the Council may review any Exposition - Recreation Commission resolution as a four-fifths item, or under suspension of Council rules. At the time of requesting Council review of Exposition - Recreation Commission action, the Council

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member shall state the reason such review is necessary and what action the Council should take on the matters.

3.106.040 Exposition - Recreation Commission Action Not Subject to Council Review.

(Amended by Ordinance No. 170667, effective October 23, 1997.) Resolutions of the Exposition - Recreation Commission which pertain solely to the following matters shall be effective upon adoption or at such other time as specified by the Commission.

- A.** Scheduling the use of the Exposition - Recreation Commission's buildings and facilities.
- B.** Entering into agreements for the use of the Exposition - Recreation Commission's buildings and facilities, including all of the terms and conditions of such agreements, provided such agreements do not transfer operation, management or control of the Memorial Coliseum.
- C.** Personnel policy or matters of employment, dismissal or disciplining of employees.
- D.** Purchasing supplies, consumables, and services and equipment, in accordance with a budget approved by City Council and in accordance with City Council purchasing procedures.

3.106.050 Council Initiation of Exposition - Recreation Commission Action.

The Council may, by regularly adopted ordinance, take action on behalf of the Commission. A Council member introducing an ordinance pertaining to the Exposition - Recreation Commission on the Council calendar shall, at the time of filing the proposed ordinance with the City Auditor, have a copy of the ordinance delivered to the General Manager of the Exposition - Recreation Commission.

3.106.060 Amendment, Repeal or Alterations of Resolutions by Council.

- A.** Contracts and agreements entered into by the Exposition - Recreation Commission or on behalf of the Commission by employees or agents, within the scope of their authority, shall be binding and effective from the times designated in sections 3.106.030 or 3.106.040, whichever is applicable.
- B.** The Council may, by regularly adopted ordinance, repeal, amend or alter any resolution adopted by the Exposition - Recreation Commission. Any such repeal, amendment or alteration may be made retroactive or prospective in effect but shall not be construed to invalidate any contract or agreements made in accordance with Subsection A of this Section.

3.106.070 Special Services Personnel as Special Police.
(Repealed by Ordinance No. 185569, effective September 28, 2012.)

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Chapter 3.107

**WATER QUALITY ADVISORY
COMMITTEE**

(Chapter added by Ordinance No. 161853,
effective May 27, 1989.)

Sections:

- 3.107.010 Created - Appointments.
- 3.107.020 Duties.
- 3.107.030 Meetings.
- 3.107.040 Chairperson.
- 3.107.050 Rules - Quorum.
- 3.107.060 Staff.

3.107.010 Created - Appointment.

(Amended by Ordinance No. 168939, effective June 14, 1995.) There hereby is created the Water Quality Advisory Committee. The Committee shall consist of nine members, appointed by the Commissioner In Charge of the Bureau of Water Works and confirmed by the Council. Appointments shall be for terms of 3 years except that 4 of the initial appointments shall be for terms of 2 years. When a vacancy occurs, the Commissioner In Charge shall appoint and the Council shall confirm a member to fill a new 3-year term. The Commissioner In Charge of the Bureau of Water Works may remove a member from the Committee at any time, subject to approval by the Council. The Commissioner In Charge of the Bureau of Water Works shall appoint members to the Committee with expertise or association in areas such as water quality, water treatment, public health policy, the environmental community, civic and business organizations, major industrial or commercial users, neighborhood associations and the public at large of which at least 3 members shall have relevant technical expertise. Committee members may serve a maximum of two 3-year terms, with the 4 appointees serving the initial terms of 2 years to serve a total maximum of 5 years. Within the maximum service limit of 6 years the Council may extend, for a period of less than 3 years, the terms of committee members who were appointed to serve or who have served the balance of a retiring committee member's term. All members shall serve without compensation from the City.

3.107.020 Duties.

The Committee shall act in an advisory capacity to the City Council through the Commissioner In Charge of the Bureau of Water Works as follows:

- A.** The Committee shall have the authority to offer policy advice to the Council and the Bureau of Water Works on issues such as management of the Bull Run

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Watershed, protection of groundwater quality, and other related water quality issues.

- B.** The Committee shall have the authority to issue periodic reports to the Council and the Bureau of Water Works.
- C.** The Committee shall have the authority to inform the public at large and take public testimony before offering policy advice to the Council and the Bureau of Water Works.

3.107.030 Meetings.

The Committee shall have the authority to conduct public meetings to gather input; the Committee shall provide for notification no less than 5 days prior to the meeting to the general public.

3.107.040 Chairperson.

A chairperson shall be elected annually from among the Committee members by a majority vote of a quorum. The Chairperson shall serve for a period of 1 year. A vacancy in the Chairperson's position shall be filled from among Committee members by majority vote of a quorum as soon as practical after the vacancy occurs.

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.

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Chapter 3.110

**BUREAU OF HYDROELECTRIC
POWER**

(Chapter 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.

Chapter 3.111

**OFFICE OF
SUSTAINABLE DEVELOPMENT**

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

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Chapter 3.112

**SUSTAINABLE DEVELOPMENT
COMMISSION**

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

Chapter 3.114

OFFICE FOR COMMUNITY TECHNOLOGY

(Chapter added by Ordinance No. 149053;
amended by Ordinance Nos. 151338, 160424 and 184882,
effective September 21, 2011.)

Sections:

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

3.114.010 Creation.

(Amended by Ordinance Nos. 185568 and 186746, effective August 6, 2014.) There is hereby established an Office for Community Technology. The Office shall be supervised by a manager who shall report to the Director of the Revenue Division, as provided under Subsection 3.15.040 E., or the Director's designee. As used in this Chapter and elsewhere in the City Code when referring to the Office for Community Technology, the term "Director" shall mean the Director of the Revenue Division or the Director's designee. The Office 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 coordinating Citywide broadband planning, communications policy advocacy, technology grants and related consumer protection activities.
- B.** 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.
- C.** The Office shall be responsible for promoting the orderly development of City-owned or City-partnered broadband and cable communication systems, for providing staff support needed by the Mt. Hood Cable Regulatory Commission and for performing all other necessary work related to broadband planning, communications policy advocacy, related technology grants and cable communications in the City.

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- D.** 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.

3.114.030 Jurisdiction.

- A.** The Office shall have jurisdiction over all franchisees and utility licensees. 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 and broadband policy 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.

3.114.050 Administration.

(Added by Ordinance No. 185059, effective December 7, 2011.)

- A.** In exercising the Office's jurisdiction under Subsection 3.114.030 A. over the use of City rights-of-way by franchisees, licensees and permittees, the Director may adopt procedures, forms, written policies, and rules to ensure orderly administration.
 - 1.** Before adopting a new rule, the Director must hold a public hearing. Prior to the hearing, the Director will notify the public and affected franchisees, licensees, and permittees under the jurisdiction of the Office. Such notice, which may be provided by mail or electronic means, must be distributed not less than ten or more than thirty days before the hearing. 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.
 - 2.** At the public hearing, the Director will receive oral and written testimony concerning the proposed rule. The Director will either adopt the proposed rule, modify it or reject it, taking into consideration the testimony received during the public hearing. If a substantial modification is made, additional public review will be conducted, but no additional public notice is required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules are effective upon adoption by the

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Director. All rules adopted by the Director will be filed in the Office. Copies of all current rules will be posted on the Office's website and made available to the public upon request.

3. Notwithstanding Subsections 3.114.050 A.1. and 2., the Director may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. An interim rule adopted pursuant to this Subsection is effective for a period of not longer than 180 days.

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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.

3.115.020 Cable Regulatory Commission.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- 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 for Community Technology 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.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- 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 for Community Technology 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

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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.

(Amended by Ordinance No. 184882, effective September 21, 2011.) The Mayor and the Commissioner in Charge of the Office for Community Technology 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:

- 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

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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

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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.

- 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.

(Amended by Ordinance No. 184882, effective September 21, 2011.)

- 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 for Community Technology.
- 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,

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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)

Chapter 3.116

WATERWAYS ADVISORY COMMITTEE

(Chapter added by Ordinance No. 150413,
effective September 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.
- C. Identify opportunities for City encouragement of commercial, residential, recreational, transportation and educational development that fulfills public goals.

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- 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

(Chapter added by Ordinance No. 157240;
repealed by Ordinance No. 168592,
effective March 8, 1995.)

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Chapter 3.122

ECONOMIC IMPROVEMENT DISTRICTS

(Chapter replaced by Ordinance No. 164665,
effective September 18, 1991.)

Sections:

- 3.122.010 Purpose.
- 3.122.020 Definitions.
- 3.122.030 Council Control.
- 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;

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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
 - 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

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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
- 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:

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- 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 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

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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 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.

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.

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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 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

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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.

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

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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;
- 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

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- 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 BOARD

(Chapter replaced by Ordinance No. 187174,
effective July 31, 2015.)

Sections:

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

3.123.010 Created - Purpose.

A Portland Utility 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 the financial plans, capital improvements, annual budget development and rate setting for the City's water, sewer, stormwater, and watershed services. The Board will advise Council on the establishment of fair and equitable rates, consistent with balancing the goals of customer needs, legal mandates, existing public policies, such as protecting water quality and improving watershed health, operational requirements, and the long-term financial stability and viability of the utilities.

3.123.020 Scope.

- A.** The Portland Water Bureau 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 Board will fully participate in the bureaus' financial planning and budgeting processes. The Board will work with the bureaus to develop long-term, 20-year mission plans. The bureaus update their financial plans throughout the year to reflect significant changes in revenues or requirements, and revise 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. The Board will actively monitor bureau spending through the fiscal year and be briefed on final fiscal year accounting including status of debt load and rate stabilization funds. The Board will monitor

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bureau and City Council responses to and implementation of audits, in consultation with the Commissioner(s)-in-Charge. The Board will monitor City Council budget amendments, capital improvement plans (CIP) and implementing actions throughout the fiscal year. The Board will participate in evaluating the performance of the bureaus. The bureaus will engage with the Board throughout the fiscal year when developing budgets. The Board may serve, at the Mayor's pleasure, as an advisor in the development of Mayor's budgets for the Portland Water Bureau and the Bureau of Environmental Services.

- B.** The Board will periodically consult the bureaus and the Commissioner(s)-in-Charge on strategic communications, public education and involvement, as well as review audits and other reports. The Board will identify and report to the Commissioner(s)-in-Charge, the Mayor or the Council on important issues and challenges for the Portland Water Bureau and the Bureau of Environmental Services. The Board will monitor the bureaus' efforts to achieve equity in the provision of services throughout the City.
- C.** Participate 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, watershed health, and stormwater. The Board shall report on other city activities or proposed policies with significant impacts to water, sanitary sewer, and stormwater rates.
- D.** When the bureaus form other advisory groups on utility matters such as facility or project specific concerns, the Board and its staff will exchange information with these other advisory groups to coordinate policy advice to the Council and the bureaus.
- E.** 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 permanent members. Board members shall be appointed by the Mayor in consultation with the Commissioner(s)-in-Charge of the bureaus, and confirmed by the Council. Any Council member may submit nominations to the Commissioner(s)-in-Charge. In consultation with the Commissioner(s)-in-Charge, the Mayor shall appoint the Chair of the Board. Five members shall constitute a quorum of the Board. Board members serve without compensation, except they may receive from their employer their regular salary during time spent on Board matters.

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 water, sewer, stormwater, and watershed health issues, such as system development and maintenance, service delivery, service costs and impacts on low-income households, economic development, public health, conservation, green infrastructure or the environment. In making Board appointments, the Mayor and Council shall strive to have a Board which reflects the diversity of the Portland community, including, but not limited to, the following factors: areas of expertise, advocacy, experience, community involvement, profession, education and/or, economic status. Preferred appointees should have a range of qualified professional and academic expertise, and community volunteer experience. Appointees will include a current employee in a represented bargaining unit with the Portland Water Bureau or the Bureau of Environmental Services. Skills that will serve the Board well include: technical knowledge of water, stormwater, and sewer utility operation and issues, accounting, civil engineering, conservation, environmental sciences, equity, health sciences, public administration, urban planning, or utility economics, financial and capital improvement analysis, ecosystem science, environmental protection, political process, group process, and communications.
- B.** Restrictions. No individual with any direct financial interest in either city utility other than as a rate-paying customer or as an employee of the utility bureaus.
- C.** The Mayor shall, in consultation with the Commissioner(s)-in-Charge, appoint three non-voting, ex officio members annually, to engage utility bureau employees in the budget process. The ex officio members shall be one represented and two non-represented utility bureau employees, appointed to participate in the process of developing recommendations on the bureaus' annual budgets. The voting and ex officio members shall be evenly distributed between the utility bureaus. The term of ex officio members shall end when the bureaus' proposed budget is approved by City Council. Ex officio members may be re-appointed up to three times.

3.123.050 Terms.

- A.** Board members will be appointed to serve for a term of 3 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.** The Board may make recommendations to the Mayor regarding the reappointment of existing members. Notwithstanding the limitations of this Section, a Board member may continue to serve until his or her replacement is appointed.

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- C.** If any member of the Board is absent more than three regularly scheduled meetings of the Board during any 12 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.

3.123.060 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 may designate more specific roles and responsibilities for any standing committee in the Board by-laws.

3.123.070 Staffing.

- A.** The City Budget Office will provide staffing for the Board, with logistical and topic-related support from the Portland Water Bureau, the Bureau of Environmental Services, and other bureaus or agencies as may be needed. Staffing should be experienced and skilled in financial analysis, utilities, and government operations within the context of environmental stewardship.
- B.** Commissioner(s)-in-Charge liaisons to the two utility bureaus shall serve as a resource to the Board and attend its meetings.

3.123.080 Meeting Schedule.

The Board shall meet at least once monthly on a regular date established by the Board. Additional meetings may also be scheduled during annual budget and rate review periods as determined by the Board Chair. The Board Chair, with assistance from the Board's staff, will develop meeting agendas in consultation with others including Board members, the utility bureaus, and the Commissioner(s)-in-Charge.

3.123.090 By-Laws.

- A.** 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 Chapter and which are subject to the prior review and approval of the Mayor, with approval as to legal sufficiency by the City Attorney. These by-laws shall include specifications concerning selection and tenure of standing committee chairs, division of 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. As an initial action, the PUB will establish operating procedures that define expectations for member participation and roles and address transparency in its deliberations, public information and participation, and equity.

- B.** The by-laws shall specify procedures for public testimony, including opportunities for public comments at each Board meeting.

3.123.100 Annual Report and Work Session.

- A.** Annually, the Board shall prepare and submit to the Council a report summarizing the work performed by the Board during the previous year. The Board shall submit the annual report within the first 3 months following the beginning of each fiscal year for the utility bureaus. 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.** The Board's report will be presented to the Council in a work session. In addition, the Board will present a work plan outline for the next year and seek input from the Council on potential next steps.

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Chapter 3.124

**PORTLAND BUREAU OF
EMERGENCY MANAGEMENT**

(Chapter replaced by Ordinance No. 184740;
Amended by Ordinance No. 185304,
effective June 1, 2012.)

Sections:

- 3.124.010 Definitions.
- 3.124.020 Portland Bureau 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.
- 3.124.070 Neighborhood Emergency Team Program.
- 3.124.080 Neighborhood Emergency Teams.
- 3.124.090 Neighborhood Emergency Team Leaders.

3.124.010 Definitions.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The following definitions apply to Chapters 3.124 through 3.126:

- A. “Comprehensive Emergency Management Plan (CEMP)” means a written document that describes the City’s overall emergency management plan. A CEMP specifies the purpose, organization, responsibilities and facilities of the agencies and officials of the City in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.
- B. “Director” means the director of the Portland Bureau of Emergency Management.
- C. “Emergency” means any natural, technological or human-made, event or circumstance causing or threatening: widespread loss of life, injury to persons or property, human suffering or financial loss, including but not limited to fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war.
- D. “Emergency Coordination Center (ECC)” means the centralized location where local officials gather during an emergency to coordinate emergency response activities and implement direction from the Mayor.

- E.** “Emergency Management” means an approach to prevent, protect against, respond to, recover from, and mitigate the effects of incidents.
- F.** “Emergency Notices” means information that is disseminated primarily in anticipation of or during an emergency. In addition to providing situational information to the public, it frequently provides directive actions required to be taken by the general public.
- G.** “Emergency Plan” means an ongoing plan for responding to a wide variety of potential hazards.
- H.** “Incident” means an occurrence, natural or human-made, that requires a response to protect life or property in an emergency.
- I.** “National Incident Management System” (NIMS) means the Federal Government’s standardized framework of doctrines, concepts, principles, terminology, and organizational processes for emergency management.

3.124.020 Portland Bureau of Emergency Management.

(Amended by Ordinance No. 185304, effective June 1, 2012.) There is established by the City Council the Portland Bureau of Emergency Management (PBEM) as a part of the Mayor’s portfolio.

3.124.030 Purpose.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The purpose of PBEM is to centralize leadership and coordination of emergency management.

3.124.040 Organization.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall consist of the Director and such other employees as the Council may provide. The Director shall be immediately responsible to the Mayor and, thereafter, to the City Council.

3.124.050 Director's Powers and Duties.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Director of the Portland Bureau of Emergency Management’s duties and powers include, but are not limited to the following:

- A.** Overall administrative authority for the Office;
- B.** Serve as principal strategic advisor to the Mayor concerning emergency management;

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- C.** Implement policy directives of the City Council and the Disaster Policy Council and enforce the schedules and plans approved by them;
- D.** Manage the Emergency Coordination Center (ECC), establishing the overall structure, roles, responsibilities and direction for the operation of the ECC and ensuring that the ECC is appropriately sited, staffed, equipped, and maintained. The Director may reassign employees to ECC duties as required;
- E.** Maintain written emergency plans, including all chapters, annexes and appendices of the Comprehensive Emergency Management Plan (CEMP) and annually submit a report with any recommendations for revisions;
- F.** Maintain records documenting compliance with requirements of federal and state emergency management programs, including NIMS. When a bureau other than PBEM possesses such records, the bureau shall immediately produce them upon the request of the Director;
- G.** Develop and implement training and exercise programs for responders that test the effectiveness of the CEMP and other emergency management plans;
- H.** Develop and implement processes, procedures, and systems for communicating emergency notices to the public and responders about incidents;
- I.** Develop and implement programs to educate the public about emergency preparedness, including volunteer programs, and train citizens to assist in emergencies;
- J.** Evaluate the effectiveness of the City's response to an emergency event.

3.124.060 Staff and Delegation.

(Amended by Ordinance No. 185304, effective June 1, 2012.)

- A.** The Director may appoint an Operations Manager who is accountable to the Director and may appoint other personnel necessary to carry out the provisions of this Chapter, when in keeping with the adopted budget for PBEM or specially funded projects.
- B.** The Director may delegate to staff members any of the Director's duties.
- C.** In the event of an emergency, the line of succession for the PBEM is: Director, Operations Manager, Training and Exercise Manager, Planning Manager, and Planning Program Specialist.

- D.** When a succession occurs, all duties and responsibilities of the Director are transferred to the successor and any delegations remain in place unless withdrawn by the new Director.

3.124.070 Neighborhood Emergency Team Program.

The purpose of the Neighborhood Emergency Team Program is to prepare neighborhoods for self-sufficiency during an emergency by providing individuals with information, training, and exercises related to emergency preparedness and response.

3.124.080 Neighborhood Emergency Teams.

- A.** As part of the Neighborhood Emergency Team Program, the Director is authorized to:
- 1.** Create Neighborhood Emergency Teams (NET) and define the qualifications for membership therein;
 - 2.** Develop written processes and procedures governing the conduct of members;
 - 3.** Conduct or cause to be conducted such inquiries or investigations into the fitness of an individual to serve as a NET member that the Director believes are necessary and appropriate;
 - 4.** Conduct or approve of ongoing training for NET members;
 - 5.** Designate certain NET members as team leaders for the purpose of supervision;
 - 6.** Dismiss or remove NET members.
- B.** When acting as agents of the City, NET members are entitled to defense and indemnification pursuant to ORS 30.285.

3.124.090 Neighborhood Emergency Team Leaders.

- A.** All NET members shall be immediately responsible to a team leader and thereafter the Director. The Director may dismiss or remove a NET Leader.
- B.** NET leaders may designate one assistant for each five NET members or fraction thereof for purposes of maintaining adequate supervision of NET members during training or deployment.

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- C.** NET leaders are responsible for the organization, ongoing training, communication with and operational safety of the NET members assigned to their teams.
- D.** NET leaders shall attend regularly scheduled meetings for the purposes of training and communicating with NET members.
- E.** NET leaders shall evaluate the performance of NET members and may recommend to the Director the dismissal or removal of NET members.

Chapter 3.125

DISASTER POLICY COUNCIL

(Chapter replaced by Ordinance No. 184740,
effective July 13, 2011.)

Sections:

- 3.125.010 Disaster Policy Council.
- 3.125.020 Duties.
- 3.125.030 Membership.
- 3.125.040 Procedures.
- 3.125.050 Staff Support to Disaster Policy Council.

3.125.010 Disaster Policy Council.

The Disaster Policy Council (DPC) is hereby created for the purpose of promoting interbureau cooperation in furtherance of the City's integrated emergency management goals.

3.125.020 Duties.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The DPC's duties include, but are not limited to, the following:

- A.** During an emergency, advise the Mayor on policy matters pertaining to management of the emergency;
- B.** Approve strategic, response and work plans developed by the Portland Bureau of Emergency Management and the Emergency Management Steering Committee defining the City's emergency management program goals and priorities;
- C.** Monitor individual bureau progress on work plan tasks, strategic plan tasks, and response plan updates. The Mayor, in consultation with the DPC, may compel bureaus to create and complete plans and updates;
- D.** Convene meetings no less than twice a year whenever:
 - 1.** The President of the City Council changes, in which case the meeting shall be held within one month of the change;
 - 2.** Requested by the Mayor.
- E.** Keep records of meetings and decisions.

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3.125.030 Membership.

(Amended by Ordinance Nos. 185304 and 186729, effective September 1, 2014.) The DPC 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.** If the Mayor or the President of the Council is not the Commissioner-in-Charge of the Portland Bureau of Emergency Management, the Commissioner-in-Charge of the Portland Bureau of Emergency Management or his or her designee, unless it would create a quorum of the City Council;
- D.** Chief Administrative Officer;
- E.** City Attorney;
- F.** City Auditor;
- G.** Director, Portland Bureau of Emergency Management;
- H.** Chief of Portland Fire & Rescue;
- I.** Chief of Portland Police Bureau;
- J.** Director, Bureau of Emergency Communications;
- K.** Administrator, Portland Water Bureau;
- L.** Director, Bureau of Transportation;
- M.** Director, Human Resources;
- N.** Director, Bureau of Environmental Services;
- O.** Director, Portland Parks and Recreation;
- P.** Director, Bureau of Development Services;
- Q.** Director, Portland Housing Bureau.
- R.** If the Mayor is unavailable to Chair the DPC, the duties shall be performed and authority exercised by the first of the City officials in the order of membership listed in Subsections A.-Q. above who is able and available.

3.125.040 Procedures.

When the DPC is required to approve plans under subsection 3.125.020 C., the decision making process shall be by consensus. The consensus shall be determined by the Chair.

3.125.050 Staff Support to Disaster Policy Council.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the DPC, including recording and communicating its decisions.

TITLE 3 ADMINISTRATION

Chapter 3.126

EMERGENCY MANAGEMENT STEERING COMMITTEE

(Chapter replaced by Ordinance No. 184740,
effective July 13, 2011.)

Sections:

- 3.126.010 Emergency Management Steering Committee.
- 3.126.020 Duties.
- 3.126.030 Membership.
- 3.126.040 Staff Support to the Emergency Management Steering Committee.

3.126.010 Emergency Management Steering Committee.

The Emergency Management Steering Committee (EMSC) is hereby created for the purpose of assisting the Portland Office of Emergency Management in developing emergency management policies and procedures for incidents requiring significant interbureau coordination.

3.126.020 Duties.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The EMSC's duties include, but are not limited to, the following:

- A.** Assign lead author responsibility to specific bureaus for the development of emergency plans, including annexes and appendices to the CEMP, and approve schedules for plan completion, plan exercise, review and revision;
- B.** Develop strategic, response, and work plans in coordination with the Portland Bureau of Emergency Management defining the City's emergency program goals and priorities;
- C.** Devise bureau-specific protocols for mobilizing resources to respond to emergencies;
- D.** Assess individual Bureau compliance with emergency plans;
- E.** Keep records of decisions;
- F.** Convene meetings at least monthly and at other times as requested by the Director;
- G.** Make periodic reports to the Disaster Policy Council so that the DPC can fulfill its duty under PCC 3.125.020.

3.126.030 Membership.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The EMSC shall consist of qualified staff from the following Bureaus:

- A.** Water Bureau;
- B.** Portland Fire & Rescue;
- C.** Portland Police Bureau;
- D.** Bureau of Environmental Services;
- E.** Portland Parks & Recreation;
- F.** Bureau of Transportation;
- G.** Bureau of Emergency Communications;
- H.** Portland Bureau of Emergency Management;
- I.** Bureau of Development Services; and
- J.** Bureau of Technology Services.
- K.** Office of Neighborhood Involvement

3.126.040 Staff Support to the Emergency Management Steering Committee.

(Amended by Ordinance No. 185304, effective June 1, 2012.) The Portland Bureau of Emergency Management shall provide staff support to the EMSC.

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Chapter 3.127

BUREAU OF PORTLAND FIRE AND POLICE DISABILITY AND RETIREMENT

(Chapter 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.

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Chapter 3.128

Office of Equity and Human Rights

(Chapter replaced by Ordinance No. 184880,
effective September 21, 2011.)

Sections:

- 3.128.010 Creation and Organization.
- 3.128.020 Purpose.
- 3.128.030 Director's Powers and Duties.
- 3.128.040 Administrative Rulemaking Procedures.

3.128.010 Creation and Organization.

There is established the Office of Equity and Human Rights. The Office of Equity and Human Rights shall consist of the Director and such other employees as the Council may provide. The Director shall report to the Commissioner in Charge.

3.128.020 Purpose.

The purpose of the Office of Equity and Human Rights is to:

- A. Promote equity and reduce disparities within City government;
- B. Provide guidance, education and technical assistance to all bureaus as they develop sustainable methods to build capacity in achieving equitable outcomes and service;
- C. Work with community partners to promote equity and inclusion within Portland and throughout the region, producing measurable improvements and disparity reductions;
- D. Support human rights and opportunities for everyone to achieve their full potential; and
- E. Work to resolve issues rooted in bias and discrimination, through research, education, and interventions.

3.128.030 Director's Powers and Duties.

(Amended by Ordinance No. 186898, effective November 19, 2014.) The duties of the Director of the Office of Equity and Human Rights include, but are not limited to:

- A. Overall administration of the Office and supervision of its staff;

- B.** Implementing the policy directives of the City Council and the Commissioner in Charge, and proposing policies and practices to achieve the purpose of the Office, and adopt administrative rules, procedures and forms to assist in implementing City policies;
- C.** Developing an annual work plan to organize and prioritize the work of the Office;
- D.** Working with the Human Rights Commission, the Portland Commission on Disability and all other City bureaus, offices, boards and commissions, as well as regional partners in government, business and the community, to increase equitable outcomes and reduce disparities;
- E.** Recommending implementation strategies, accountability mechanisms, evaluation standards, and specific actions to the City Council that will achieve the goals of the Portland Plan Equity initiative, and other equity and human rights policies adopted by City Council;
- F.** Providing reports to Council and the community annually and as requested.

3.128.040 Administrative Rulemaking Procedures.

(Added by Ordinance No. 186898, effective November 19, 2014.)

- A.** Purpose. The Director has been delegated the authority to adopt and administer administrative rules appropriate to perform the duties set forth in Section 3.128.030. Administrative rules shall be adopted according to the procedures in this Section.
- B.** Adopting Rules.
 - 1.** Prior to the adoption or amendment of a permanent rule, the Director shall:
 - a.** Give notice of the proposed rule at least 15 days prior to the effective date of the rule to City Commissioners, Bureau Directors and other parties of interest. The notice shall include a brief description of the subjects covered by the proposed rule, the final date for acceptance of written comments, the location to submit comments, and the location where copies of the full set of the proposed rules may be obtained.
 - b.** During the comment and review process, the Director will analyze written comments, engage stakeholders and solicit legal review. The Director may either adopt the proposed rule, modify it or reject it.

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- c.** If the Director makes a substantial modification to the proposed rule, the Director may provide additional time for review and comment prior to adoption.
 - d.** Unless otherwise stated, all rules will be effective upon adoption by the Director. Permanent rules shall be filed in the Portland Policy Documents repository.
 - e.** Upon consultation with the Commissioner in Charge, the Director may adopt an interim rule without prior notice upon a finding that a failure to act promptly will result in prejudice to the City's interest. Interim rules will be effective for a period of no longer than 180 days. No later than 15 days after adoption, notice of the interim rule shall be given to City Commissioners, Bureau Directors and other parties of interest as identified by the Director.
- 2.** All administrative rules shall be posted on the Bureau's website.
- 3.** The Director may repeal any adopted rules upon consultation with the Commissioner in Charge. Notice of repeal will be given to City Commissioners, Bureau Directors and other parties of interest.

Chapter 3.129

Human Rights Commission

(Chapter added by Ordinance No. 181670;
effective March 19, 2008.)

Sections:

- 3.129.010 Staffing and Membership.
- 3.129.020 Mission.
- 3.129.030 Jurisdiction.

3.129.010 Staffing and Membership.

(Amended by Ordinance No. 184880, effective September 21, 2011.) There is established in the City of Portland a Human Rights Commission. The Commission shall be staffed by the Office of Equity and Human Rights. 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 a vacancy occurs, a Human Rights Commission workgroup – after consultation with the Commissioner in Charge of the Office of Equity and Human Rights – nominates, the Mayor appoints, and the Council confirms, a member to fill the vacancy. This same process shall be used when an interim vacancy occurs to appoint 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. Members are encouraged to establish constructive relationships with each member of Council, the City Auditor and other elected officials. 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.

(Amended by Ordinance No. 184880, effective September 21, 2011.) 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 and by the Portland Plan Equity initiative. The Human Rights Commission shall report at least annually to the Council on the activities of the Human Rights Commission (to include any subcommittees or task forces as may

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be established) on the progress of the Commission and any recommendations to the Council for further action.

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.

Chapter 3.130

Administrative Appeals

(Chapter added by Ordinance No. 187151;
effective September 1, 2015.)

Sections:

- 3.130.010 Definitions.
- 3.130.020 Timely and Adequate Notification of Right to Appeal Required.

3.130.010 Definitions.

For the purpose of this Chapter:

- A.** “Administrative Act” means a final action, decision, determination, or order of Council, a bureau, department, or office. Administrative acts do not include legislative acts of Council, any City employment action, decision, determination, or order, or any action, decision, determination, or order applying Title 33 of the Code.
- B.** “Administrative Appeal” means appeals of administrative acts by appellants when the right to appeal is provided by Code or rule, and the Code or rule requires the appeal to be decided by a bureau, department, office, board, hearings officer, or Council acting in its quasi-judicial capacity.
- C.** “Appellant” includes any person given the right to appeal an administrative act by Code or a rule. As used in this Chapter, “appellant” does not include prospective, current, or former City employees contesting any administrative act related to their employment, employment benefits, application for employment, termination of employment, or internal complaint arising out of or connected with their employment.
- D.** “Rule” means an administrative rule or bureau policy, as each term is defined in Section 1.07.020.
- E.** "Timely" means that written notice is provided to the appellant in accordance with the time period specified in the Code or rule providing for the right of appeal. If the applicable Code or rule does not specify a time period, “timely” means that written notice is provided as soon as practicable after the right to request an administrative appeal is triggered but no later than:
 - 1.** Three business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is less than 15 days; or

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2. Ten business days after the right to an administrative appeal is triggered, if the period during which the appellant may request an administrative appeal is 15 days or more.

3.130.020 Timely and Adequate Notification of Right to Appeal Required.

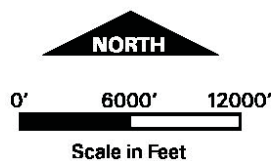
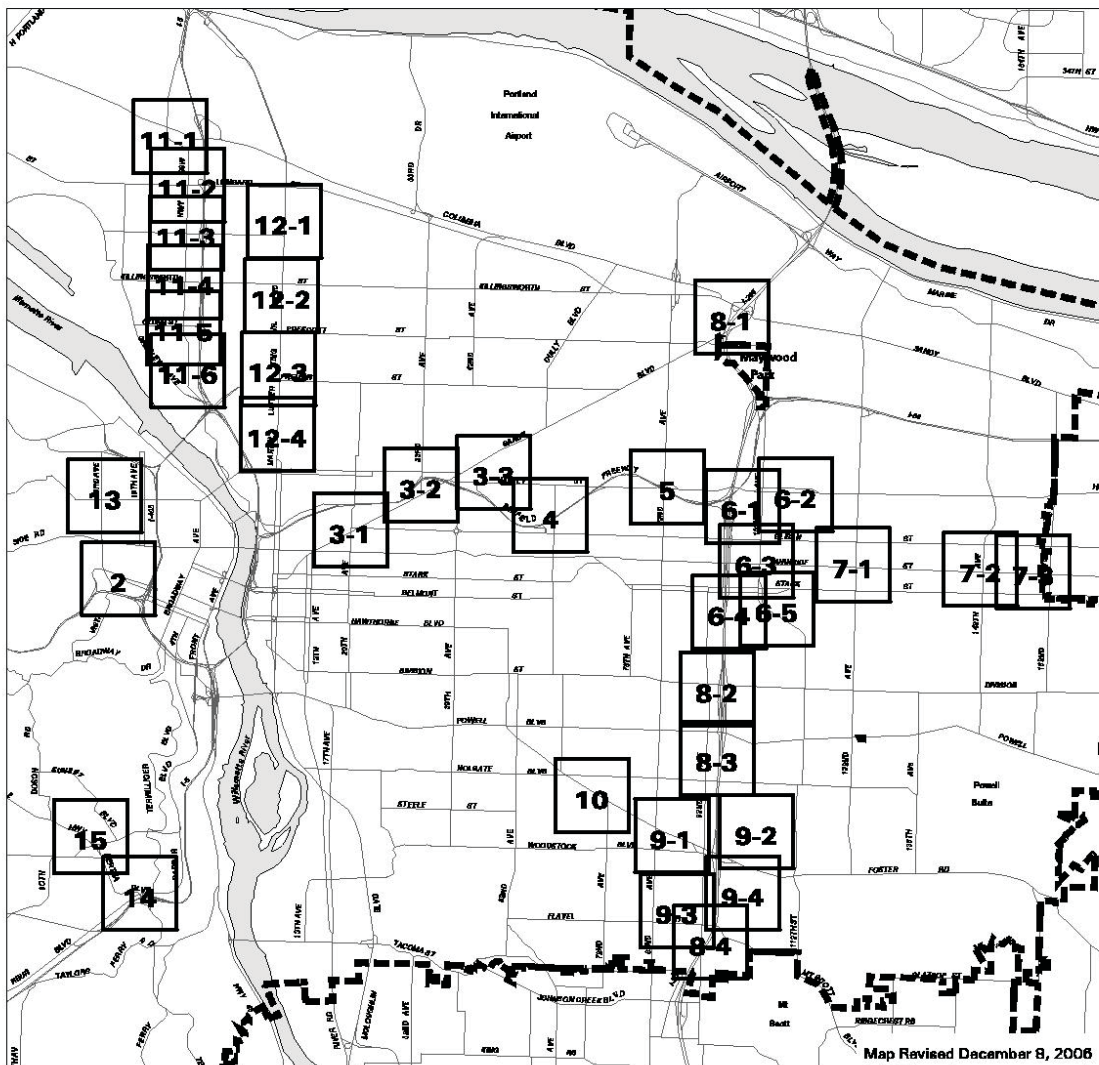
- A. Timely and Adequate Notification Required. When there is a right to appeal an administrative act through an administrative appeal, the bureau, department or office must provide timely notice to appellant in accordance with Subsection 3.130.020 B.
- B. Form and Content of the Notice. An adequate notice must:
 1. Be in writing;
 2. Provide a short, plain statement describing the underlying administrative act and the basis for the administrative act, including citation to the applicable Code provision or rule;
 3. Explain any right to request an administrative appeal, including:
 - a. citation of the applicable Code provision or rule providing the right to appeal;
 - b. the time limit for requesting an administrative appeal, specifying calendar or business days;
 - c. the method for requesting an administrative appeal, including a City address and phone number;
 - d. the cost, if any, for requesting an administrative appeal, including accepted payment methods and whether there is a low-income fee waiver; and
 - e. disclosure of whether effect of administrative act will be stayed pending resolution of the requested administrative appeal.
- C. A bureau, department or office may adopt a rule specifying when and how notice of the right to request an administrative appeal will be provided so long as it is consistent with Subsections A and B of this Section 3.130.020.

FIGURE 1 - (Section 3.20.130)

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>

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

Index Map

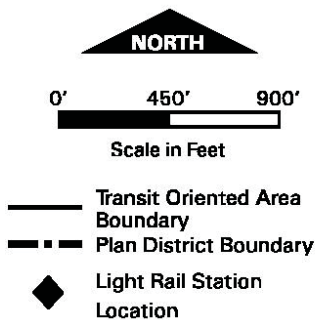
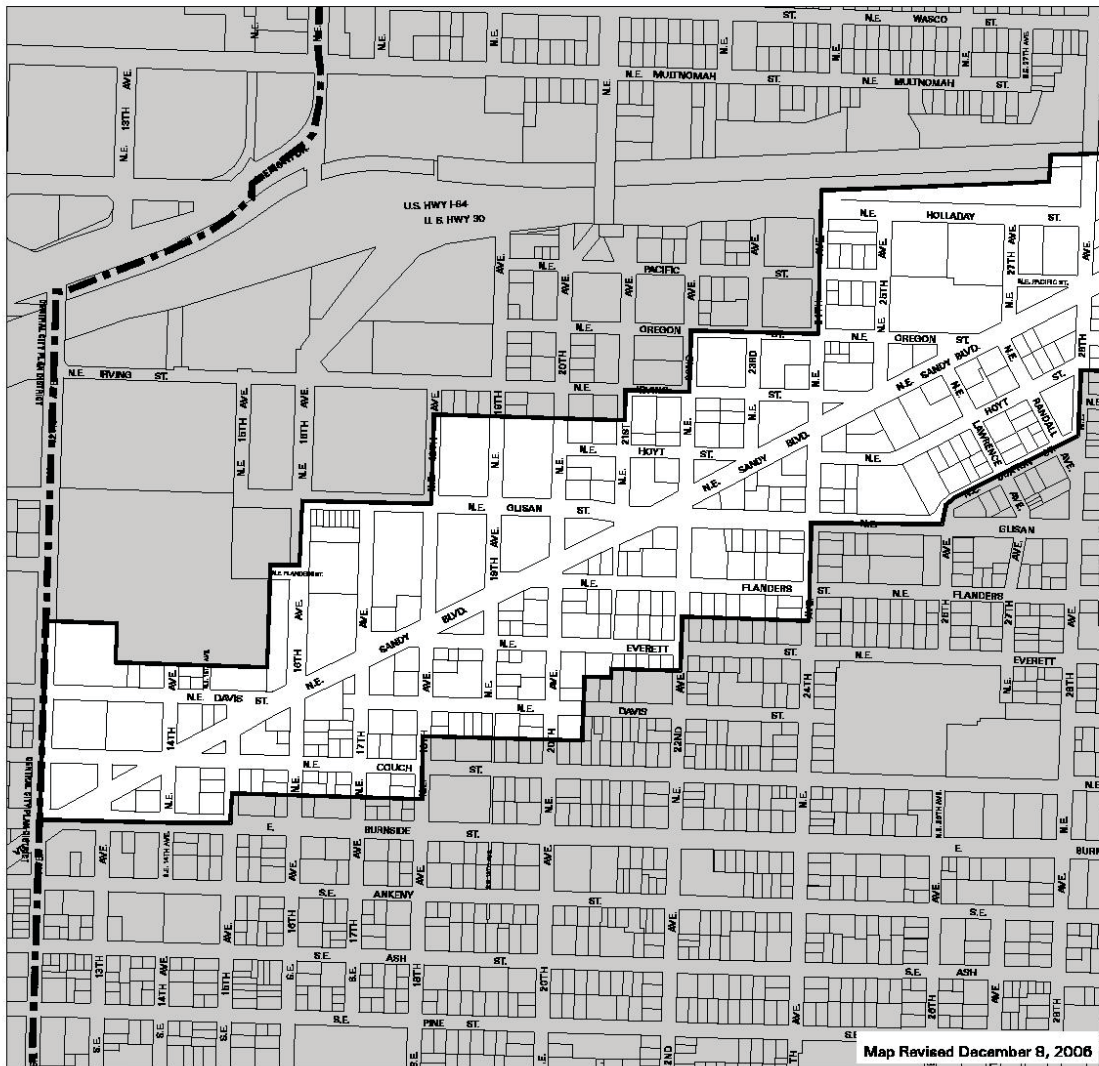
Bureau of Planning • City of Portland, Oregon



Goose Hollow Light Rail Station Areas

Bureau of Planning • City of Portland, Oregon

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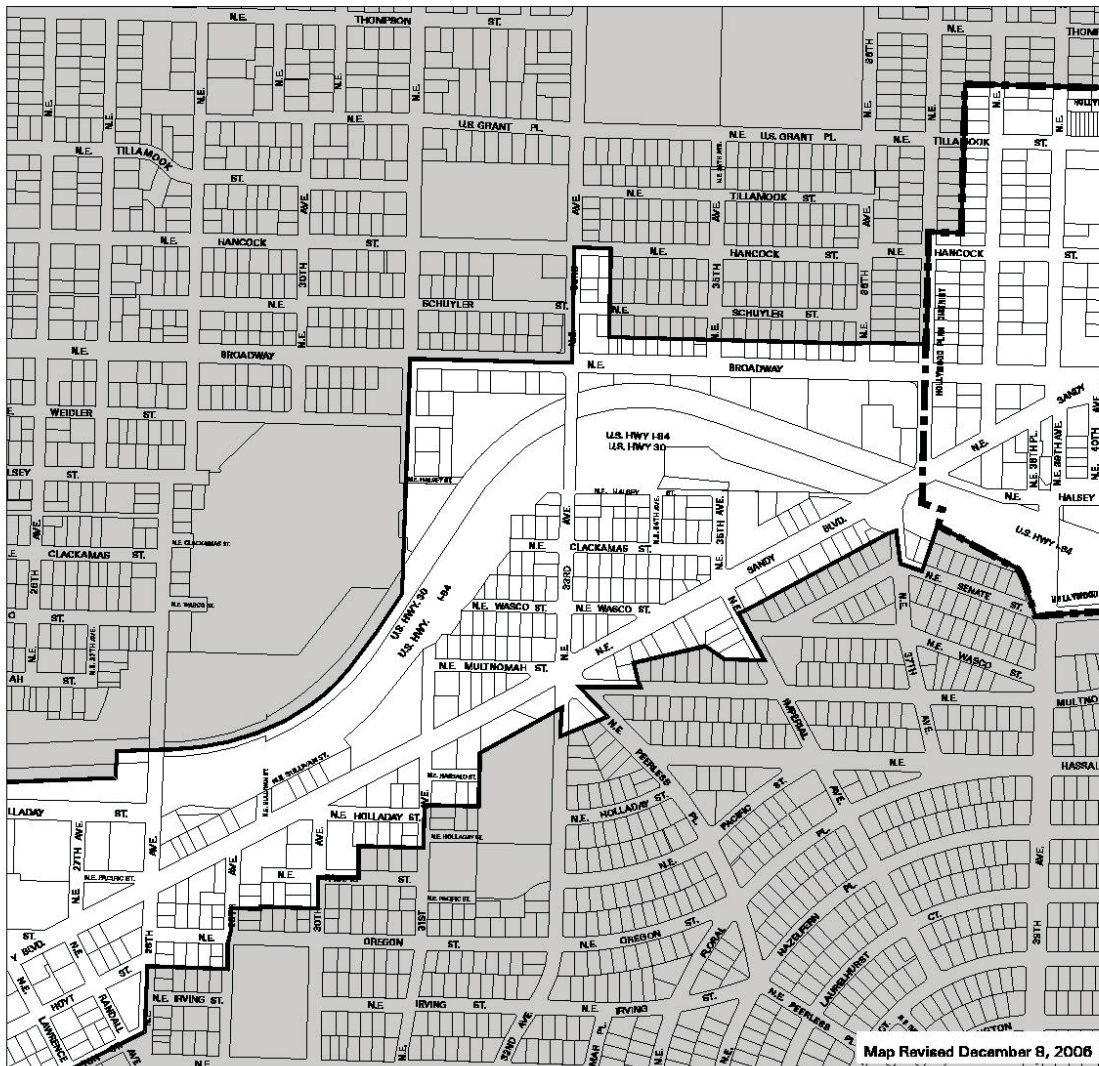


**Map 3.103-3
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

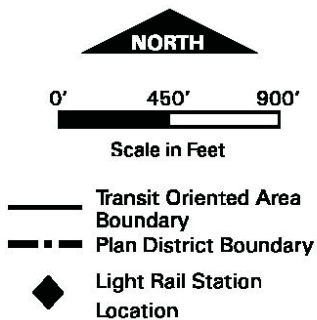
**Hollywood Light Rail Station Area & Transit Oriented
Areas along Sandy Boulevard & Broadway Main Street**

Map 1 of 3

Bureau of Planning • City of Portland, Oregon



Map Revised December 8, 2006



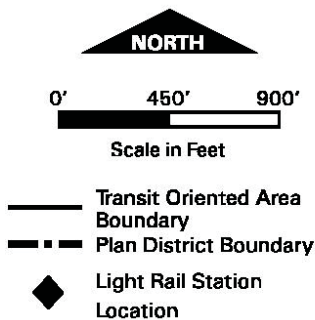
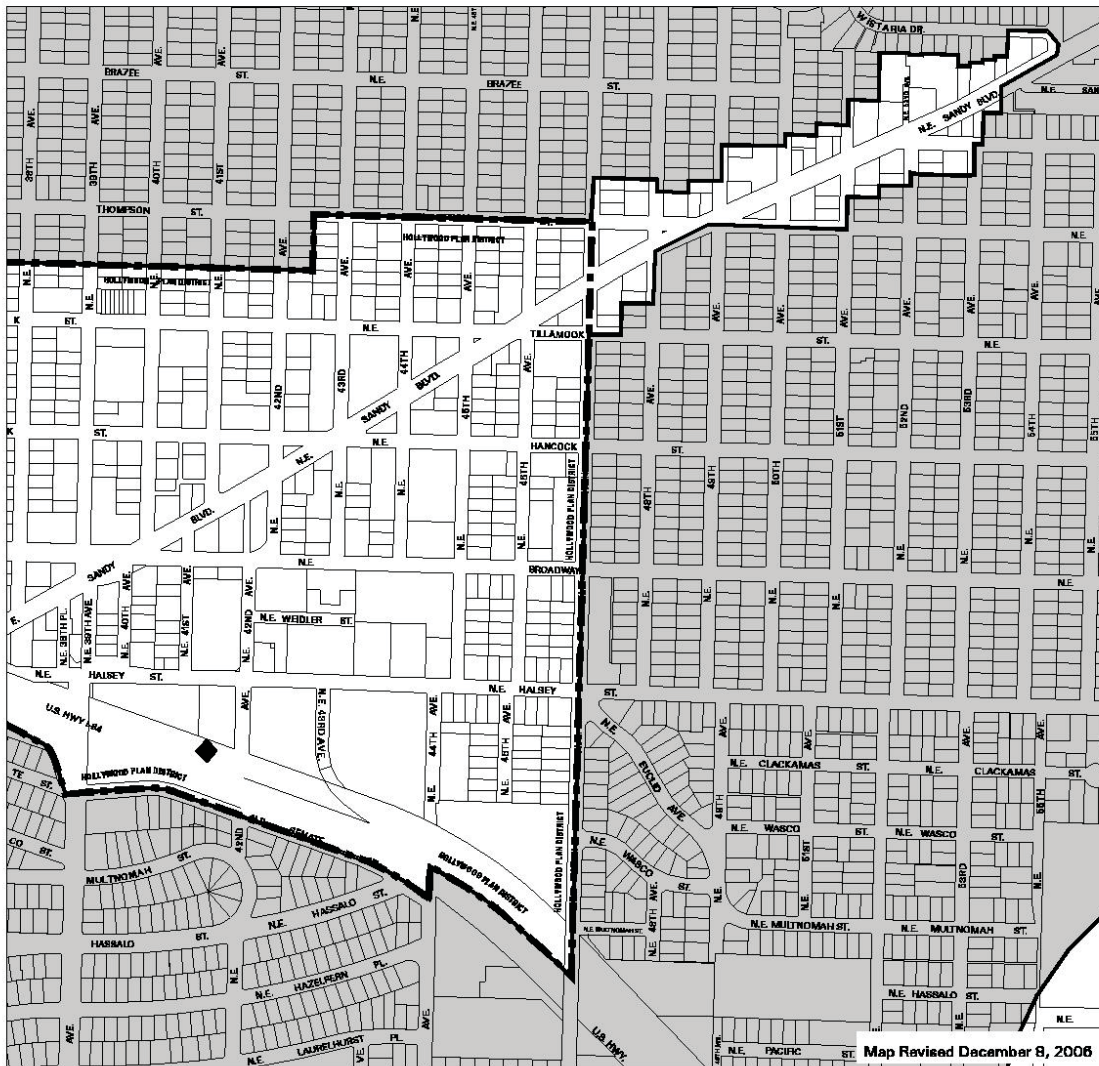
Map 3.103-3 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

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

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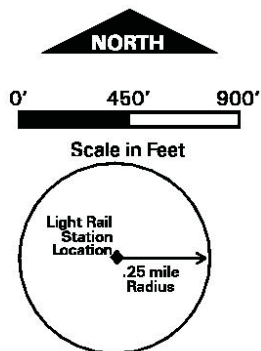


**Map 3.103-3
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

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

Map 3 of 3

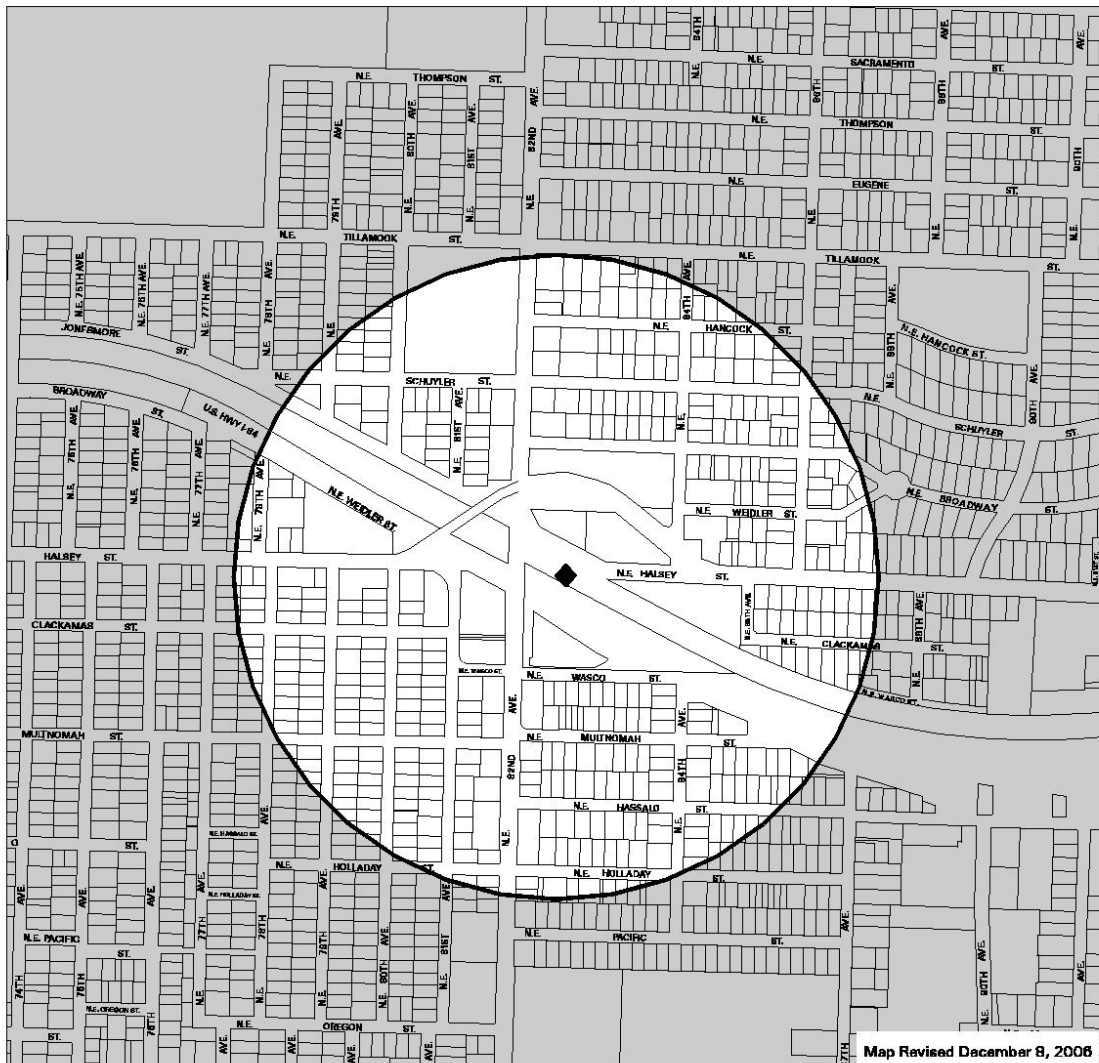
Bureau of Planning • City of Portland, Oregon



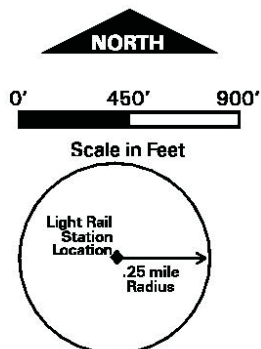
Map 3.103-4 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development 60th Avenue Light Rail Station Area

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Map Revised December 8, 2006



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

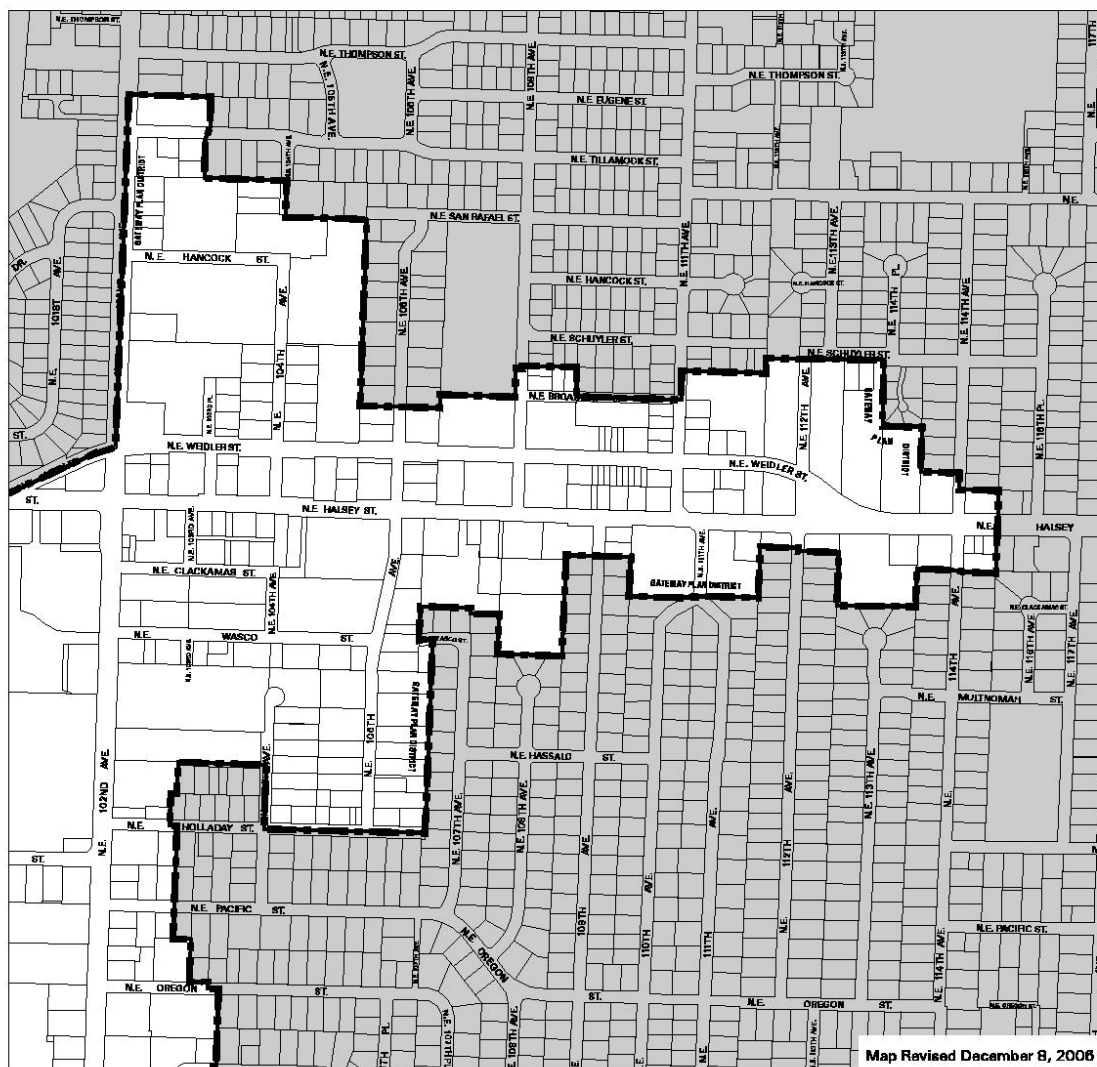
Gateway Plan District and Light Rail Station Areas

Map 1 of 5

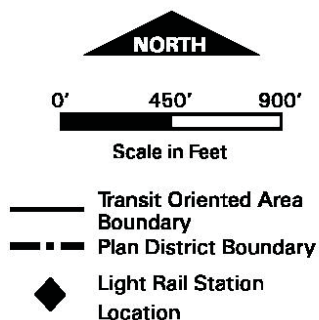
Bureau of Planning • City of Portland, Oregon

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Map Revised December 8, 2006

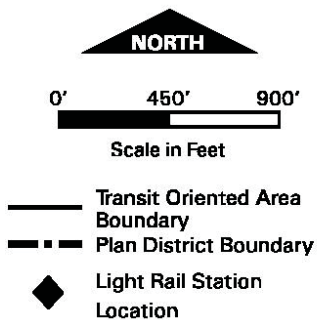


Map 3.103-6
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

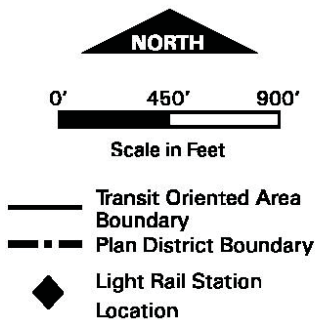
Gateway Plan District and Light Rail Station Areas

Map 2 of 5

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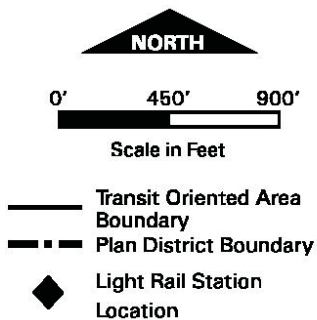
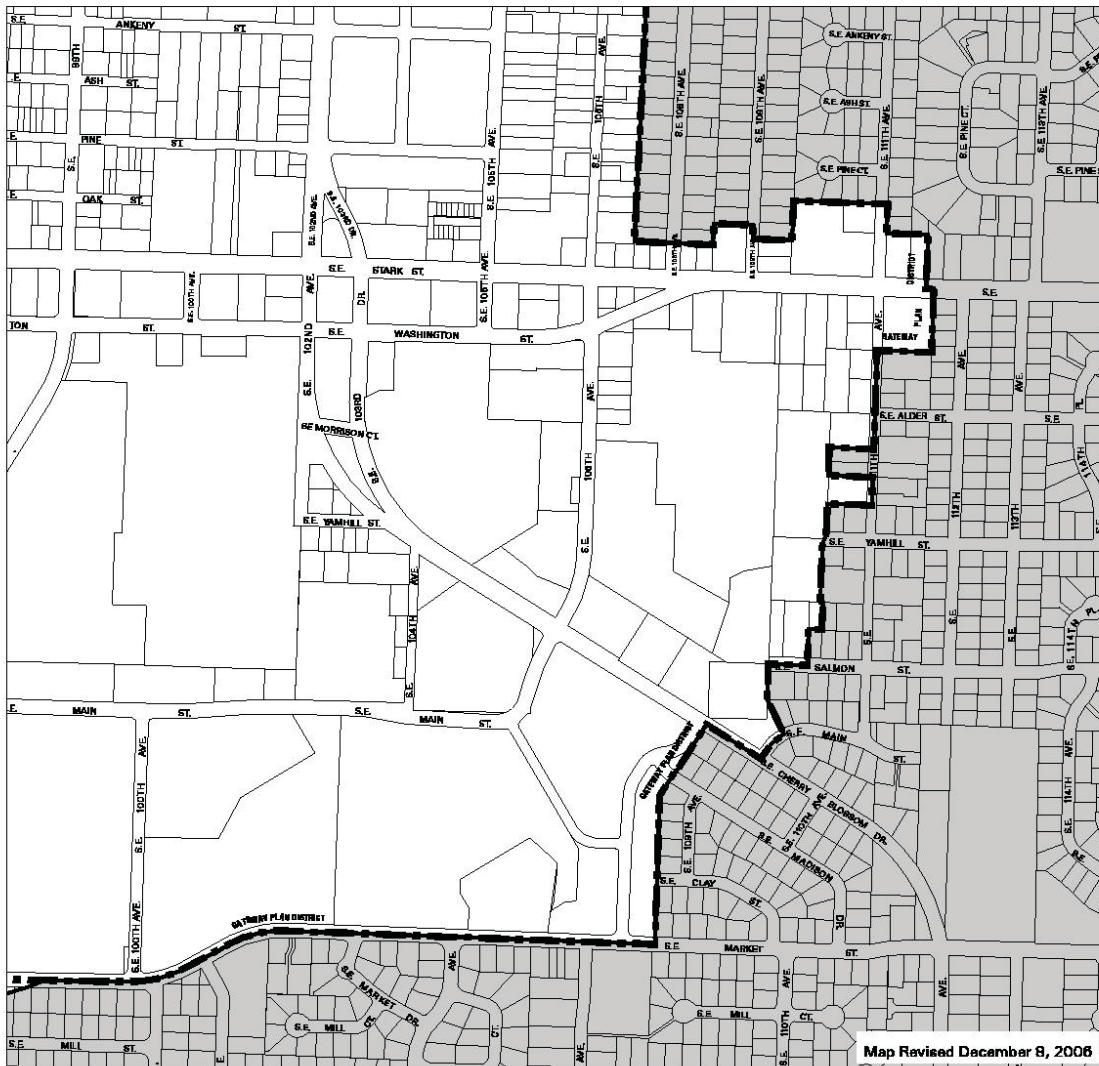


**Map 3.103-6
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

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

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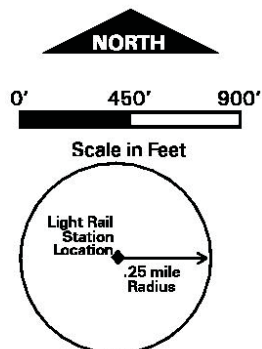
Map 3.103-6 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Gateway Plan District and Light Rail Station Areas

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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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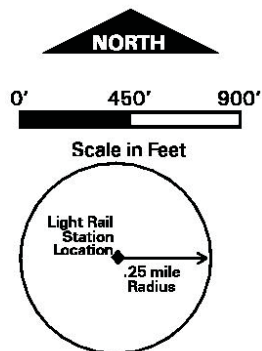


**.25 mile
Radius**

Light Rail Station Areas East of Gateway Plan District

Bureau of Planning • City of Portland, Oregon

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ADMINISTRATION**

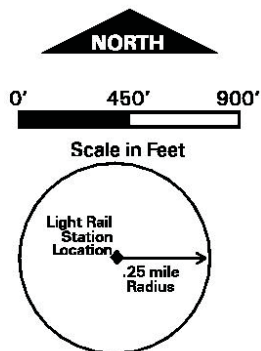


**Map 3.103-7
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

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

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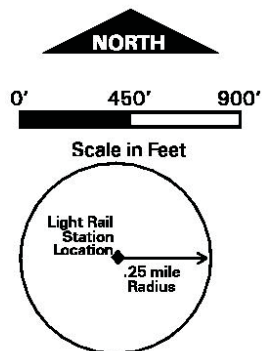
Map 3.103-8 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

I-205 Light Rail Stations Areas

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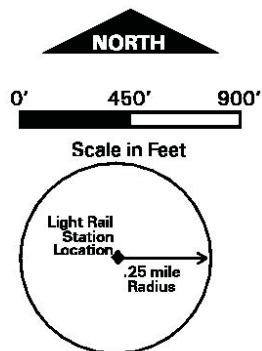


**Map 3.103-8
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

I-205 Light Rail Stations Areas

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

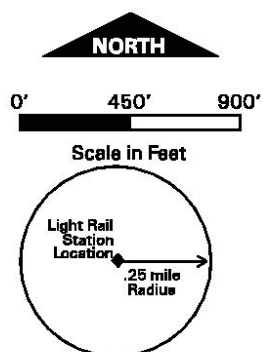
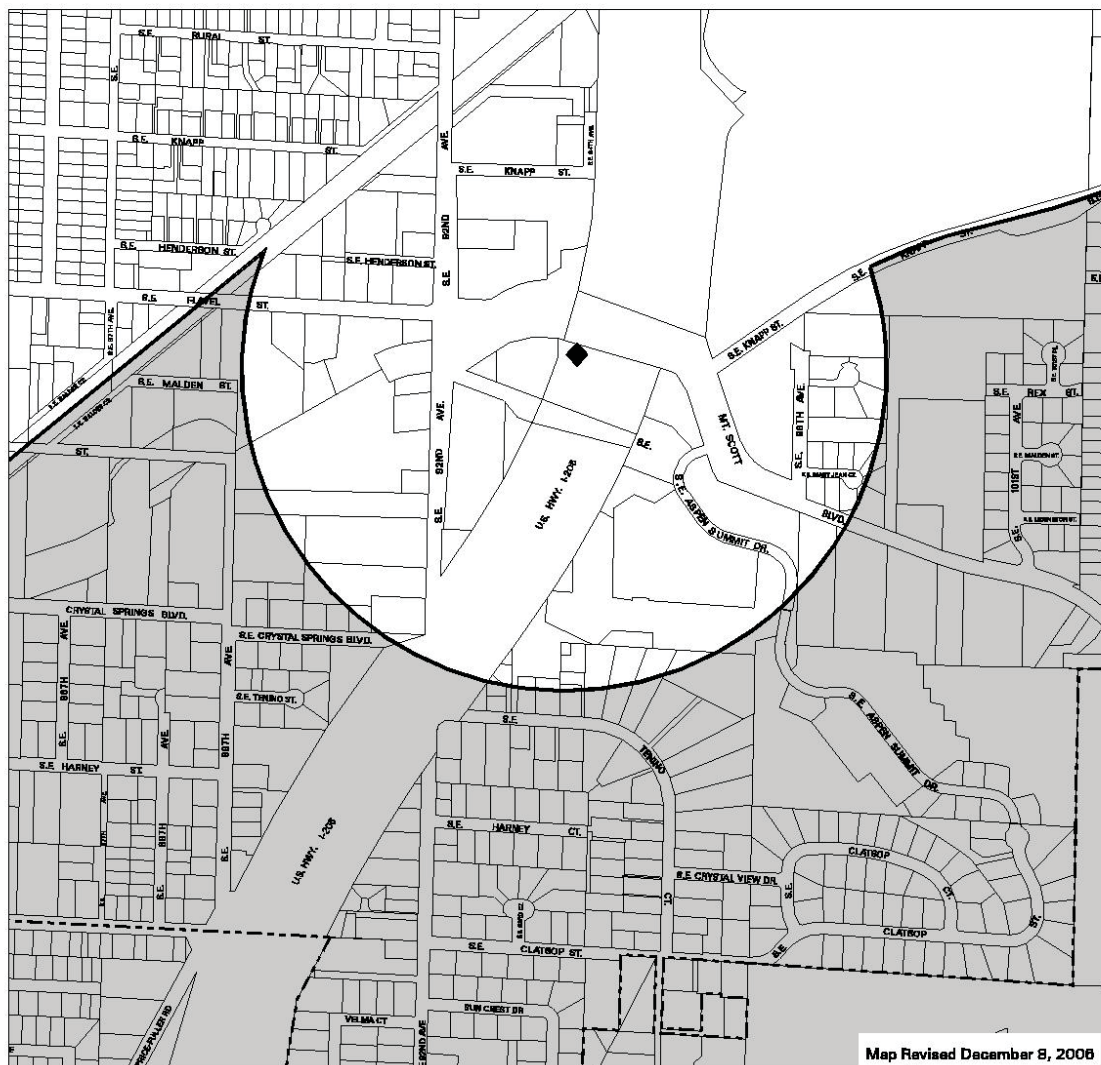
I-205 Light Rail Stations Areas

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

I-205 Light Rail Stations Areas

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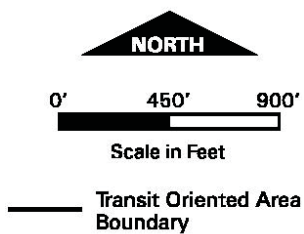
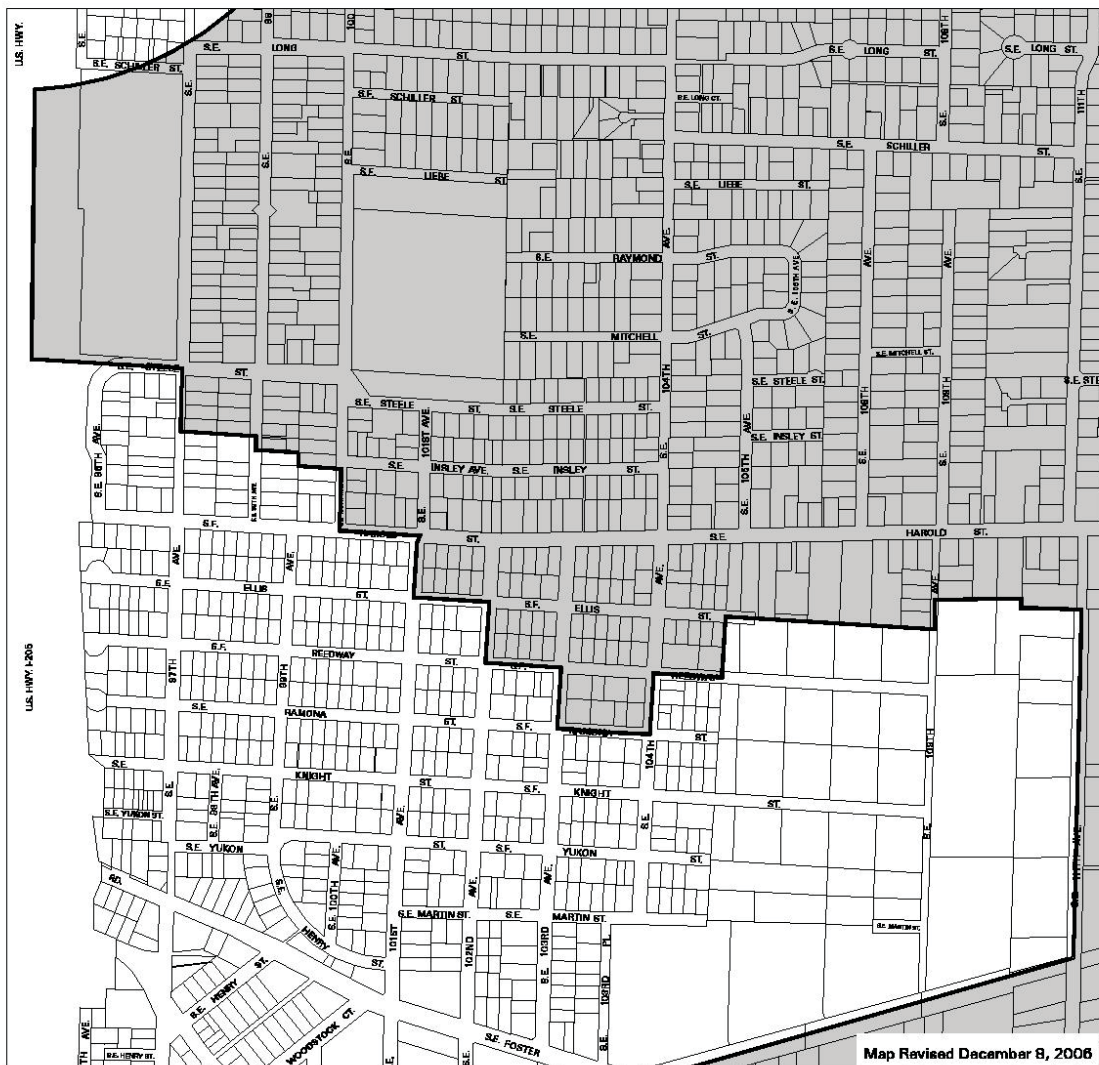
Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Lents Town Center

Map 1 of 4

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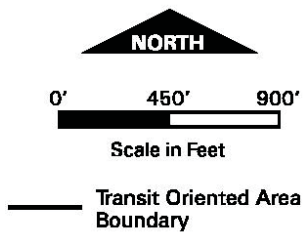


**Map 3.103-9
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

Lents Town Center

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

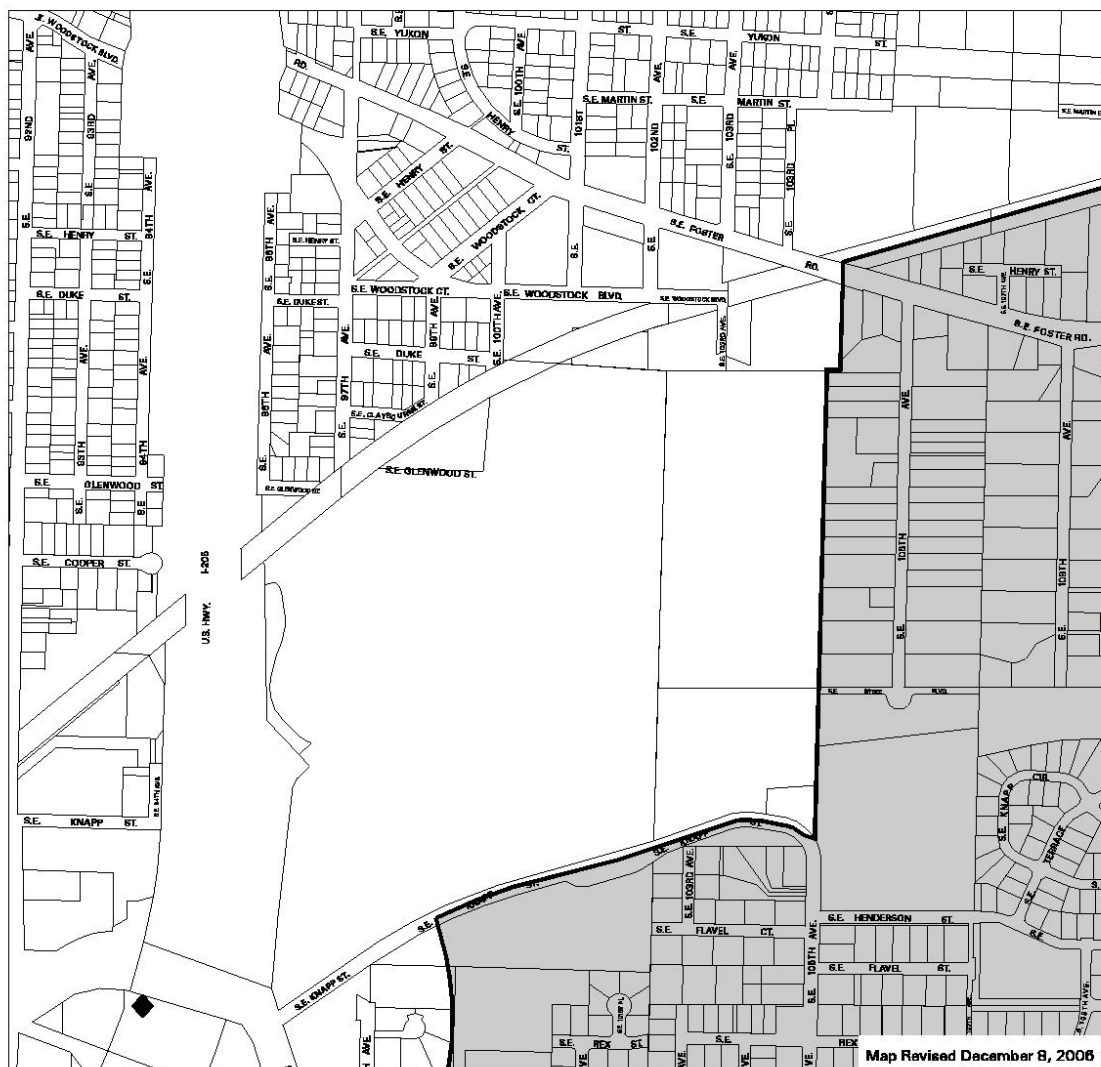
Lents Town Center

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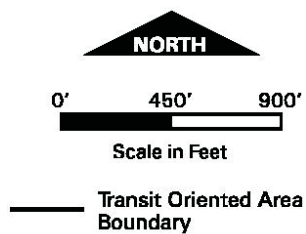
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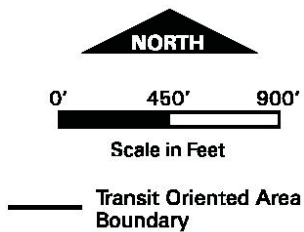


Map 3.103-9
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

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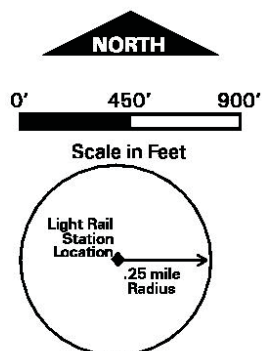
Map 3.103-10 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Transit Oriented Areas along
Foster Road Main Street

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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

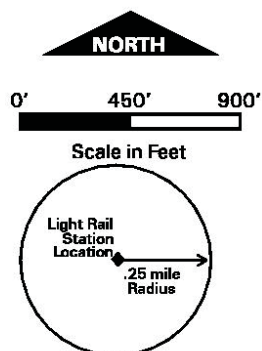
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Interstate Corridor Light Rail Station Areas

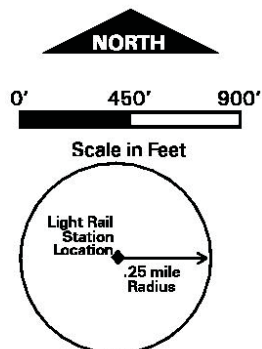
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Map 3.103-11 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development Interstate Corridor Light Rail Station Areas

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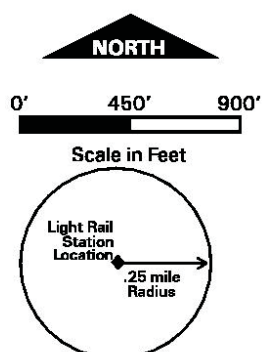


Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Interstate Corridor Light Rail Station Areas

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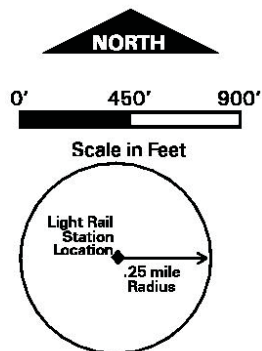
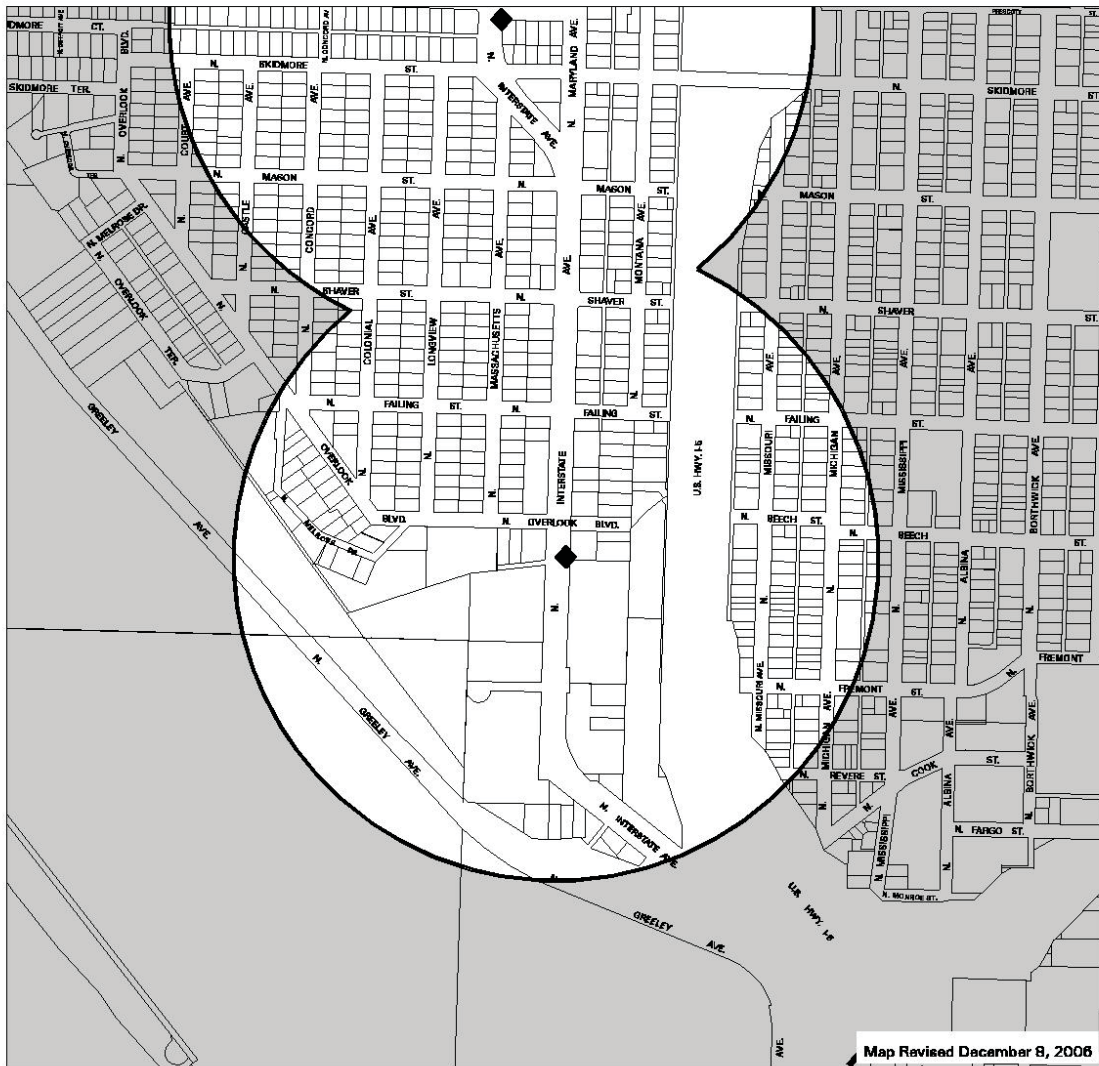


Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

Interstate Corridor Light Rail Station Areas

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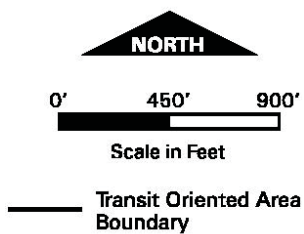
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Map 3.103-11
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development
Interstate Corridor Light Rail Station Areas

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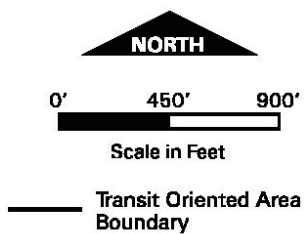
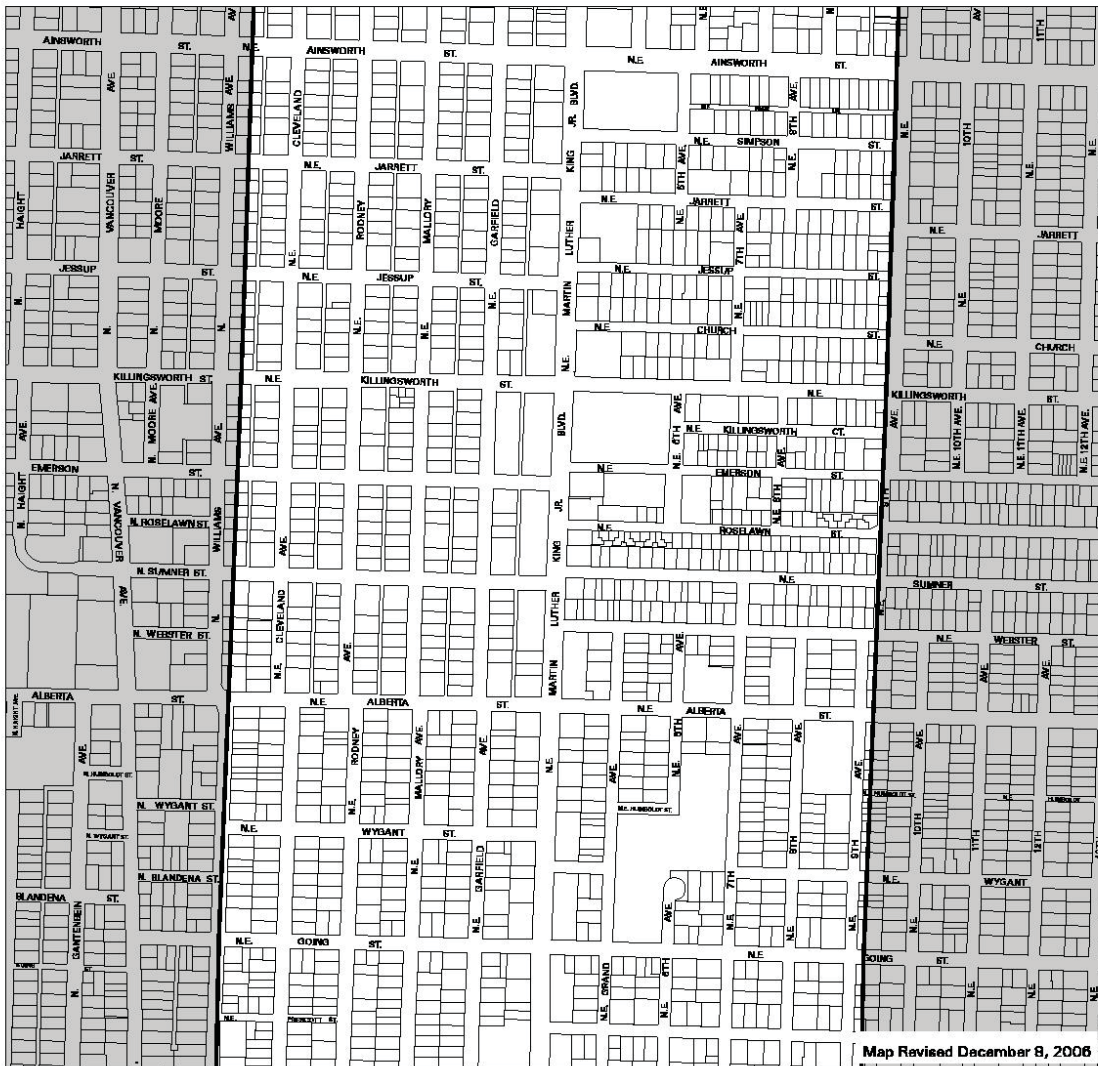


**Map 3.103-12
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

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

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

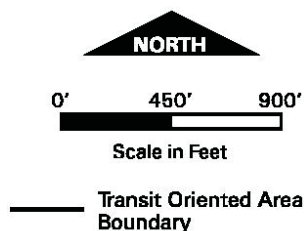
Transit Oriented Areas along
NE Martin Luther King Jr. Blvd. Main Street

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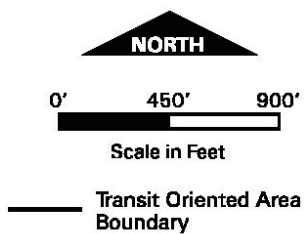


Map 3.103-12
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development

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

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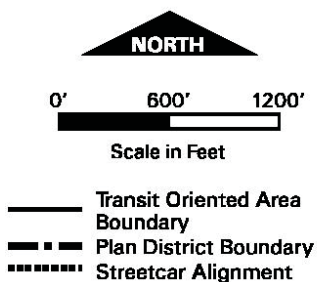
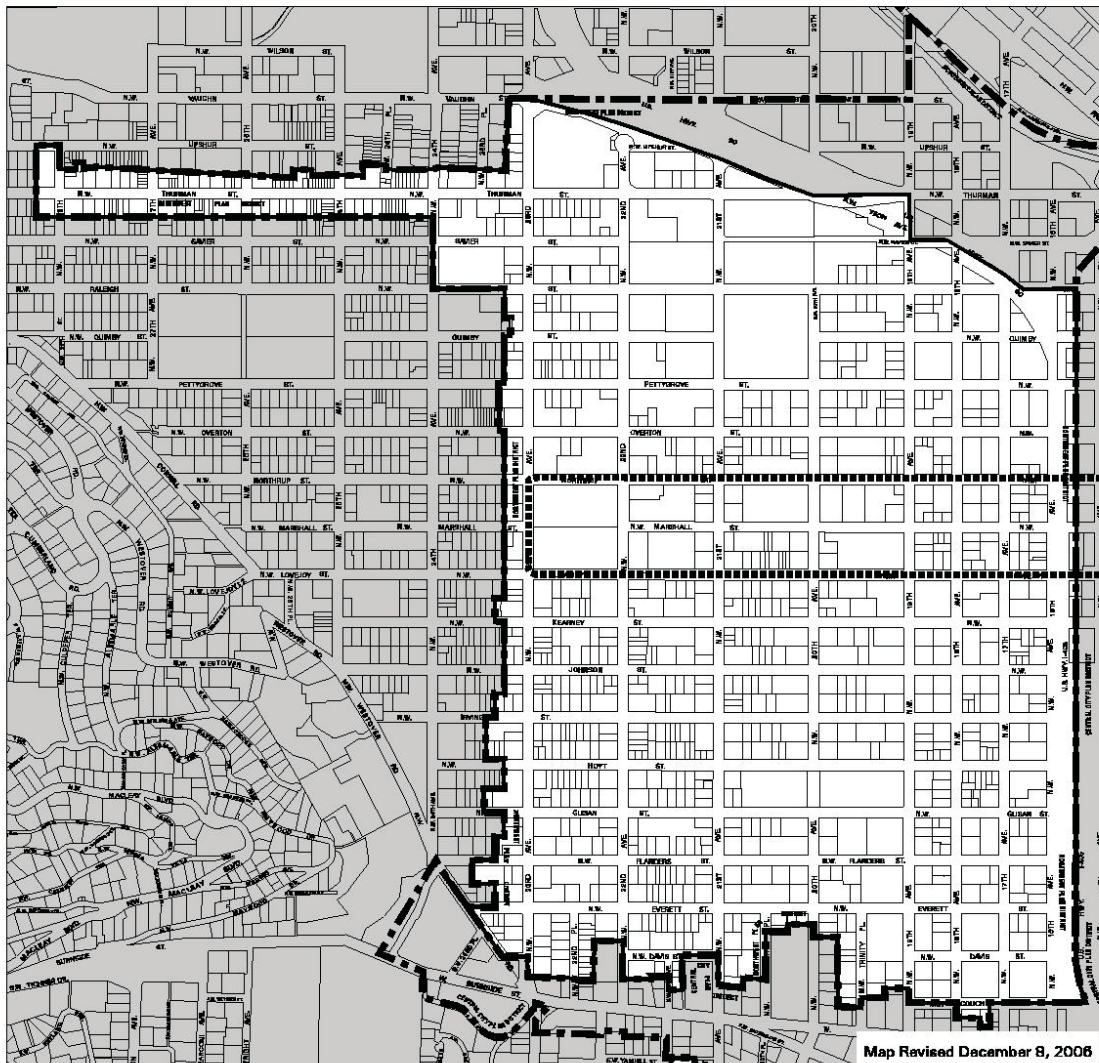
Map 3.103-12 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

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

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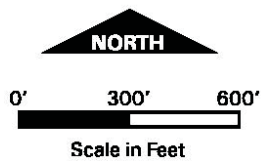
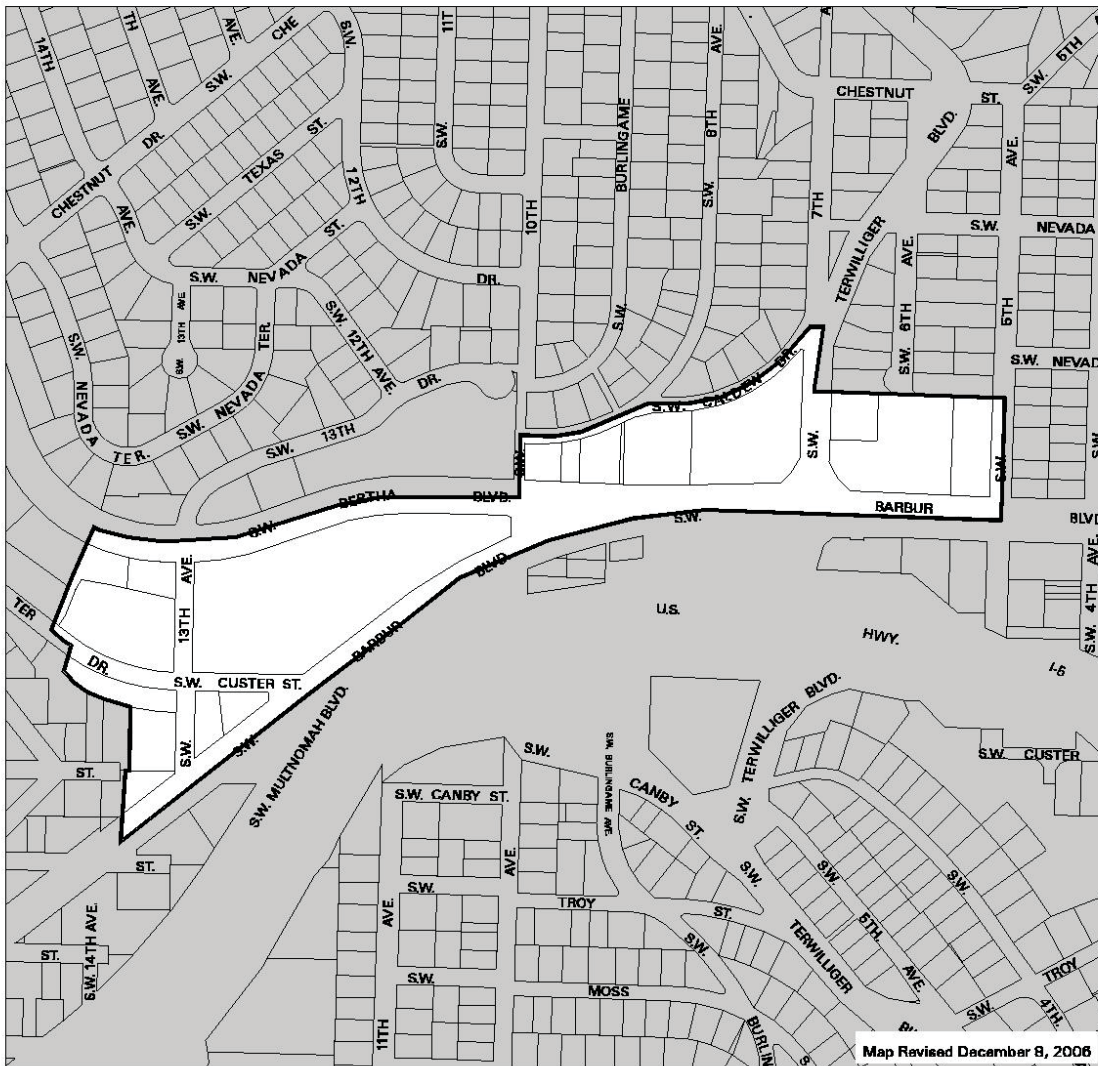
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**Map 3.103-13
Property Tax Exemption for
New Transit Supportive Residential
or Mixed Use Development**

Northwest Plan District

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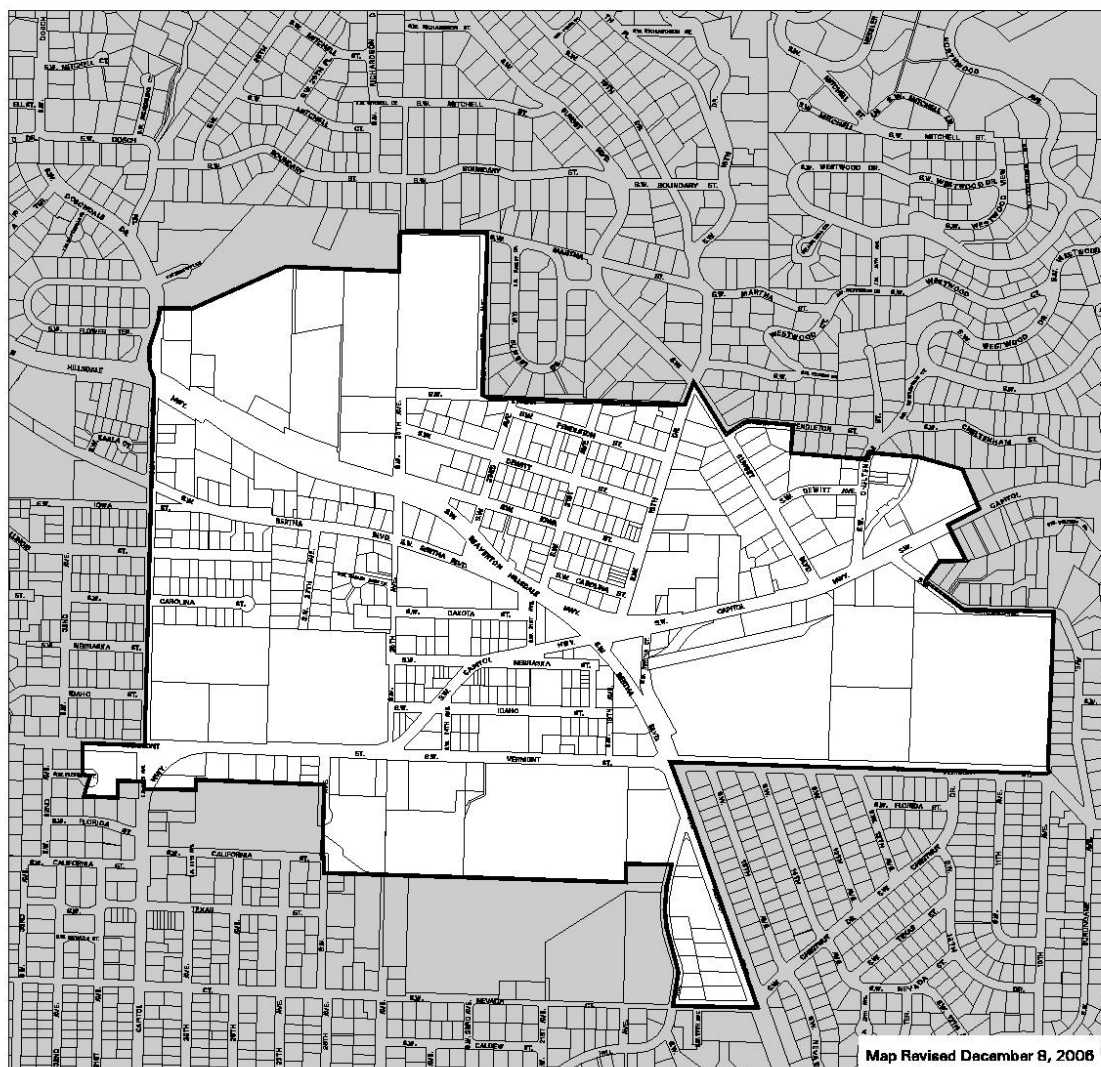
Map 3.103-14 Property Tax Exemption for New Transit Supportive Residential or Mixed Use Development

Transit Oriented Areas around
SW Barbur and Terwilliger Boulevards

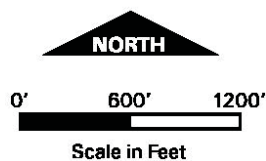
Bureau of Planning • City of Portland, Oregon

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Map Revised December 8, 2006



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

Hillsdale Town Center

Bureau of Planning • City of Portland, Oregon

Chapter 5.36

PROPERTY CONTROL

Sections:

- 5.36.001 Surplus Property Policy.
- 5.36.010 Disposition of Surplus Property.
- 5.36.015 Disposition of Unclaimed Found Personal Property.
- 5.36.020 Sale of Buildings for Removal from City Property.
- 5.25.025 Purchase and Resale by the City of Tax-Foreclosed Property.
- 5.36.030 Loans of Personal Property Owned by City.
- 5.36.035 Lost or Stolen City Property.
- 5.36.040 Parking Meter Fund Equipment.
- 5.36.050 Use of City Automobiles for Transporting Firing Squads.
- 5.36.060 Use of Water Bureau Property by Bureau of Shops.
- 5.36.080 Zoological Specimens.
- 5.36.090 Gifts and Loans of Property.
- 5.36.100 Use of City Property for Elections.
- 5.36.110 Use of City Property for Air Quality Measuring Stations.
- 5.36.115 Designation of "Persons In Charge."

5.36.001 Surplus Property Policy.

(Replaced by Ordinance No. 179813, effective January 6, 2006.) It is the policy of the City to dispose of surplus property in the most efficient and cost-effective manner possible in accordance with the guidelines in this Chapter and any related administrative rules or policies. Temporary, full-time and part-time City employees, persons acting on the employee's behalf, and any business with which a City employee is associated, as defined by Chapter 5.33, may not purchase or receive surplus property unless offered for public sale.

5.36.010 Disposition of Surplus Property.

(Replaced by Ordinance No. 179813; Amended by Ordinance Nos. 181483 and 187165, effective July 10, 2015.)

A. Definition:

1. "Surplus Property" means: tangible personal property owned by the City, including equipment and materials, which is no longer needed by the City Bureau or Office that owns it. Examples include inventoried and non-inventoried office furniture, specialized equipment, and items that are obsolete or overstocked.

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- B.** City Capital Asset Disposal Documentation: The bureau initiating the transfer, donation, sale, or disposal of surplus property that has been inventoried as a capital asset, shall comply with City Accounting Administrative Rules regarding disposal of capital assets, which establish minimum standards for the disposal of capital assets and subsequent reporting in the financial records.
- C.** City Assets Procured with the Proceeds of Tax-Exempt Bonds: The bureau initiating the transfer, donation, sale, or disposal of surplus property that was procured with the proceeds of tax-exempt bonds should contact the City's debt management office prior to disposal of the property to determine what, if any, limitations exist on the disposal of such property and the use of any revenue derived from such disposal.
- D.** Usable Surplus Property: Whenever a Commissioner-In-Charge, or designee, determines that surplus property exists, the property may be disposed of in one of the following ways:
 - 1.** Inter-Bureau Transfer or Sale - Surplus property may be transferred or sold to another City bureau upon written request from the director of the bureau that has a use for it.
 - 2.** Negotiated Direct Sale - Surplus property with an individual or aggregate current market value under \$5,000 may be sold as follows:
 - a.** The bureau obtains three written or verbal price quotations prior to final sale;
 - b.** The bureau negotiating the sale keeps written records of the price quotations, the amounts, and if necessary, the reason why three quotations could not be obtained;
 - c.** The bureau sells the surplus property to the highest bidder meeting all conditions of the sale; and
 - d.** The bureau applies the proceeds of the sale to its property disposition expenses in the following order: storage, transportation, publication fees and other costs of safekeeping and sale, and then to the City fund owning the property at the time of sale unless otherwise directed by the City Council.
 - 3.** Public Sale - The City Council may authorize the sale of surplus property through an external auction service. If the City does not have a contract with an external auction service, the bureau may conduct a public auction subject to the following conditions:

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- a.** The bureau shall give notice of such public auction at least once within ten days prior to the date of the auction in a newspaper of general circulation published in the City; such notice shall give the time and place of the auction;
 - b.** The bureau shall sell the surplus property to the highest bidder meeting all conditions of the sale; and
 - c.** The bureau applies the proceeds of the sale to its property disposition expenses in the following order: storage, transportation, publication fees and other costs of safekeeping and sale, and then to the City fund owning the property at the time of sale unless otherwise directed by the City Council.
- 4.** Public Sale through State - Surplus property may be sold pursuant to an established intergovernmental agreement with the State of Oregon Surplus Property Program. When surplus property is sent to the State Surplus Program for sale on behalf of the City, a minimum sale price shall first be established when appropriate. Any revenue received from the sale of surplus property through the State Surplus Program shall be credited to the bureau that owned the surplus property.
- 5.** Donation - Surplus property may be donated to the State of Oregon Surplus Property Program, other public agencies, or to charitable organizations certified under the Internal Revenue Code Section 501(c)(3) as follows:
 - a.** Donations with an individual or aggregate current market value of \$5,000 or less must be approved by the Commissioner-In-Charge, or designee, of the bureau that owns the property.
 - b.** Donations with an individual or aggregate current market value of more than \$5,000 must be approved by the City Council, by ordinance.
 - c.** The City shall provide the recipient of donated property with appropriate documentation transferring ownership of the property to the recipient. The recipient shall agree to hold harmless, defend and indemnify the City of Portland, its officers, agents and employees from any claims, demands, actions and suits (including attorney fees) arising from its use or receipt of the surplus property.

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- d. The Director of the Bureau or Office that owned the surplus property shall complete and retain a donation form for each donation made during the fiscal year and submit all forms to the City Auditor at the end of the fiscal year. The donation form shall contain:
 - (1) A description of the surplus property donated; and,
 - (2) The name of the recipient of the surplus property; and,
 - (3) The originating bureau; and,
 - (4) The estimated market value of the surplus property at the time of donation.
- E. Unusable Surplus Property: A Commissioner-In-Charge, or designee, may dispose of surplus property if it is determined that the surplus property is unusable, inoperable or not reasonably repairable, hazardous, or is of insufficient value to warrant a transfer, sale, or donation as prescribed in this Section. In addition to disposing of unusable property in accordance with existing federal, state, or local disposal regulations, every effort shall be made to recycle or otherwise dispose of property in an environmentally sound manner.
- F. Exempt Property. The following surplus property, whether usable or unusable, shall not be transferred, donated, sold, or otherwise disposed of without Council approval or as otherwise provided by City code, policy, or procedure.
 1. Vehicles or Vehicle Equipment.
 2. Corporately-Owned Communications Equipment.
 3. Contraband.
 4. Firearms.
 5. Intangibles.
 6. Hazardous items.
 7. Items of historical value.
 8. Any other item deemed appropriate for exemption from this Section by the Commissioner-In-Charge of the bureau that controls the property.

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- G.** **Vehicles and Vehicle Equipment:** The Manager of OMF Business Operations Division is authorized to dispose of vehicles and related equipment when the vehicle is no longer needed by the City. The manner of disposal shall be the most efficient and cost-effective as determined by the Manager. This includes, but is not limited to, competitive written bids, public auction, negotiated sales, or exchange. Any and all revenue, less costs of sale, received from the sale of City-owned vehicles or vehicular equipment shall be credited to the replacement account for the originating bureau.
- H.** **Corporately-Owned Communications Equipment:** The Chief Technology Officer is authorized to dispose of corporately-owned communications equipment maintained by the Bureau of Technology Services when such equipment is no longer needed by the City. The manner of disposal shall be the most efficient and cost-effective as determined by the Director. This includes, but is not limited to, competitive written bids, public auction, negotiated sales, or exchange. Any and all revenue, less costs of sale, received from the sale of corporately-owned communications equipment shall be credited to the replacement account for the originating bureau.
- I.** **Artificial Turf:** The Chief Administrative Officer (CAO) is authorized to donate or arrange for recycling of artificial turf from City-owned spectator facilities when such turf no longer meets venue performance standards. The CAO shall comply with the provisions of this Section for all other means of disposing of the artificial turf.

5.36.011 Donations of Surplus Personal Property.

(Repealed by Ordinance No. 179813, effective January 6, 2006.)

5.36.015 Disposition of Unclaimed and Found Personal Property.

(Added by Ordinance Nos. 153293 and 167825; effective June 22, 1994.)

- A.** **Unclaimed Property:** Unless directed otherwise by State law or a specific provision of this Code, all tangible personal property not owned by the City, that is under the control of a bureau and not reclaimed after notice has been sent, by the bureau in possession, to all parties who reasonably appear to have an interest in such property, of their right to claim such property within a specified period of time, shall become the property of the City, designated as surplus property, and, shall be disposed of as provided by this Chapter.
- B.** **Found Property:** All tangible personal property not owned by the City that is found by a bureau member and turned into the bureau, shall not become the property of the City until the requirements of the state law regarding the rights and duties of finders and owners of lost property are satisfied. After the requirements of State law are satisfied, found property shall be retained by the

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bureau which found it if the property is usable by the bureau. If the property is not usable by the bureau which found it, the bureau shall dispose of the property as surplus property as provided by this Chapter.

5.36.020 Sale of Buildings for Removal from City Property.

Whenever a Commissioner determines that a building or other structure assigned to a bureau under his control must be removed, he may authorize the Purchasing Agent to sell such building or other structure for removal by the purchaser. The Purchasing Agent shall use the method of sale which he finds most in the public interest. The Purchasing Agent shall specify terms and conditions of sale, except that such terms shall not include credit, and he shall fix the amount of bond or cash deposit to be given by the purchaser to guarantee removal of the building or structure and clearance of debris from the premises.

5.36.025 Purchase and Resale by the City of Tax-Foreclosed Property.

(Added by Ordinance No. 162023; Amended by Ordinance Nos. 179813 and 181483, effective January 18, 2008.)

- A.** The provisions of this Section apply to property which meets each of the following conditions:
 - 1.** Property that has outstanding City liens;
 - 2.** Property that has been foreclosed by a county for collection of delinquent taxes; and
 - 3.** Property that has been purchased by a bidder at a county sheriff's sale.
- B.** The OMF Business Operations Division may purchase and sell property described in this Section without public notice or sale provided:
 - 1.** The Council adopts an ordinance authorizing the OMF Business Operations Division to purchase property. The ordinance shall include a legal property description; the total amount of outstanding taxes and costs; the total amount of outstanding city liens, accrued interest, penalties and costs; and the source of funds to be used to purchase the property;
 - 2.** Property will be sold to the successful bidder at a county sheriff's sale; and
 - 3.** The Council adopts an ordinance authorizing the property sale and setting forth sale terms. The ordinance shall include the name and address of the successful bidder at the county sheriff's sale and the terms of the City sale. The Council may adopt sale terms and provisions as a part of the ordinance authorizing the purchase of property.

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- C. Sale contracts and other legal documents related to the sale shall be reviewed and approved by the City Attorney prior to the sale. Upon approval as to form by the City Attorney, the Mayor and City Auditor shall be authorized to sign a deed transferring title to the property.
- D. Proceeds from the sale shall be deposited in the City fund which incurred the expense of purchasing the property from the county unless otherwise directed by the Council in the ordinance authorizing the purchase and sale of the property.
- E. The OMF Business Operations Division is authorized to adopt administrative rules and procedures necessary to carry out the provisions of this Section.

5.36.030 Loans of Personal Property Owned by the City.

(Amended by Ordinance No. 180917, effective May 26, 2007.) Each Commissioner and each officer or employee of the City is and shall be hereby prohibited from loaning any personal property owned by the City to any other person either gratuitously or for a consideration, without the consent of the Council expressed by ordinance. However, in the event of extraordinary circumstances involving hazard to the general public occasioned by fire, flood, earthquake, or other public disaster, the Commissioner of any department may permit equipment in his department to be used without the consent of the Council during such extraordinary circumstances upon the written order of the Commissioner; provided that the Chief of Portland Fire & Rescue may lend or rent to the owner or operator of property damaged by fire, flood, earthquake or other public disaster such equipment of Portland Fire & Rescue as may be temporarily needed to prevent further damage to such property, and such owner or operator so borrowing or renting such equipment, shall agree with the City:

- A. To hold the City, its officers, agents and employees harmless for any loss or damage caused to the person or property of third persons while such equipment is in the possession of such owner or operator;
- B. To waive any claim for damage to the person or property of such owner or operator arising in whole or in part from the use of such equipment; and
- C. To return such equipment to Portland Fire & Rescue in as good condition as when received, reasonable wear and tear excepted. Such agreement shall be in writing on forms approved by the City Attorney and shall be filed with the Auditor of the City. Any rentals collected by Portland Fire & Rescue under such agreements shall be transmitted by Portland Fire & Rescue to the City Treasurer within 24 hours after receipt by the Bureau, the rentals to be credited to the General Fund.

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5.36.035 Lost or Stolen City Property.

(Added by Ordinance No. 151849; effective June 25, 1981.) Any City employee charged with the care or having custody of any City property which is lost or stolen shall immediately, upon discovery that such property has been lost or stolen, report such loss or theft in writing to his bureau or division head. The bureau or division head shall upon receipt of such report, immediately notify the Accounting Division in writing of such loss or theft. The Accounting Division shall make such investigation and report and recommendation as may be deemed appropriate.

5.36.040 Parking Meter Fund Equipment.

All vehicles, equipment, and other things heretofore purchased or which may be purchased in the future from the Parking Meter Fund for the use of any bureau having service to perform in connection therewith, are and shall be assigned to the bureau where used. They shall be inventoried in connection with and as a part of the vehicles, articles, and equipment of such bureau.

5.36.050 Use of City Automobiles for Transporting Firing Squads.

The Commissioner In Charge of any bureau or department having an automobile available shall have the authority to make use of the same in transporting firing squads for veteran's funerals.

5.36.060 Use of Water Bureau Property by Bureau of Shops.

The Bureau of Shops shall have the use of the following described property owned by the Bureau of Water:

Lots 1, 2, 3, 4, 10, 11, and the west 40.92 feet of Lot 14; also that portion of Lot 5 lying west of a line drawn from the southeast corner to the northwest corner of said Lot 5; also a portion of Woodward Avenue now vacated, more particularly described as follows:

Beginning at a point in the north line of Lot 14, Water Bureau Addition, said point being north 73 degrees 35'45" west a distance of 26.19 feet from the southeast corner of said Lot 5; thence north 73 degrees 35'45" west 29.91 feet; thence south 89 degrees 44'30" west 92.29 feet to the northwest corner of Lot 10; thence north 0 degrees 15'30" west 50 feet to the southwest corner of Lot 4; thence north 89 degrees 44'30" east 80 feet to the southeast corner of Lot 4; thence south 73 degrees 35'45" east 40 feet to the southeast corner of Lot 5; thence to the point of beginning, all in Water Bureau Addition, in the City of Portland, Multnomah County, State of Oregon, according to the duly recorded plat thereof on file in the office of the clerk of said county and state.

The General Fund shall pay to the Bureau of Water the sum of \$1 per year for the use of such property and the Bureau of Shops shall have the right to construct a building on such real property and maintain the same.

5.36.070 Equipment Pool Rotary Account.

(Repealed by Ordinance No. 182389, effective January 2, 2009.)

CHAPTER 11.40

**TREE PERMIT REQUIREMENTS
(NO ASSOCIATED DEVELOPMENT)**

Sections:

- 11.40.010 Purpose.
- 11.40.020 When a Tree Permit is Required.
- 11.40.030 Exemptions.
- 11.40.040 City and Street Tree Permit Standards and Review Factors.
- 11.40.050 Private Tree Permit Standards and Review Factors.
- 11.40.060 Tree Replacement Requirements.

11.40.010 Purpose.

The purpose of this Chapter is to manage, conserve and enhance the urban forest when development activity is neither proposed nor occurring. The provisions of this Chapter encourage preservation of high quality trees, large trees, and groves; regulate pruning and planting on City-owned and managed sites and streets to protect public safety and public infrastructure; and ensure replacement for trees that are removed. The permitting procedures that are required to implement these provisions are intended to not only enforce maintenance, removal and preservation requirements but also to educate property owners about the intrinsic urban benefits of trees as well as the principles of tree care.

11.40.020 When a Tree Permit is Required.

(Amended by Ordinance No. 187216, effective July 24, 2015.) A tree permit is required for all trees in the City of Portland as further described below, unless the activity is exempt from the requirements of this Chapter as specified in Section 11.40.030.

- A.** Street Trees. Street trees of any size are regulated by this Chapter unless otherwise specified in Table 40-1 or 40-2.
- B.** City Trees. City trees 3 or more inches in diameter are regulated by this Chapter unless otherwise specified in Table 40-1.
- C.** Private Trees. Private trees 12 or more inches in diameter are regulated by this Chapter unless otherwise specified in Table 40-1. Trees required to be preserved by a condition of a land use review may be subject to other requirements.
- D.** Emergency pruning or removal. Emergency pruning or removal of trees is regulated by this Chapter as follows:

TITLE 11 TREES

- 1.** If an emergency exists because the condition or location of a tree presents such a clear and present danger to structures or the public that there is insufficient time to obtain a tree permit, the hazardous portion of the tree may be removed without first obtaining a required tree permit.
 - 2.** In the course of performing unexpected or emergency road, sewer or water maintenance activities, representatives of the Responsible Engineer may trim, prune or remove a tree as required to perform the immediate work without first obtaining a required tree permit. If such activities occur during normal business hours, these representatives shall first attempt to contact the City Forester to determine if technical assistance can be made immediately available. If such assistance is not immediately available, then the pruning or removal may occur in accordance with proper arboricultural practices.
 - 3.** Any person who prunes or removes a tree under the provisions of this Subsection shall, within 7 days of such action, apply for a Type A tree permit. The application shall include photographs or other documentation to prove that an emergency existed. The City Forester will evaluate the information to determine whether an emergency existed. Failure to submit an application or provide information documenting the emergency nature of the event may be pursued as a violation per Chapter 11.70.
- E.** State, Federal and court orders. Trees that must be removed or pruned by an order of a court, or of a State or Federal agency are not subject to the public notice and appeal procedures of Chapter 11.30 and approval standards and review factors of this Chapter. However, a tree permit is required and the tree replacement requirements of this Chapter shall be met.
- F.** Hazardous Material Cleanup Orders. Hazardous material cleanup orders, are not subject to the permit procedures of this Title; however, a person removing a regulated tree pursuant to a Hazardous Material Cleanup Order must comply with the tree replacement requirements of this Chapter.
- G.** Trees on levees. Trees on levees that have been identified by a public Drainage District as violating federal regulations or requirements are subject to the requirements of this Chapter for a Type A permit for removal of trees. Required replacement trees shall be placed outside the critical cross section area of the levee, and may be placed on any property in the same watershed that is owned by the applicant; or on property for which the applicant possesses a legal instrument approved by the City, such as an easement, deed restriction, or interagency agreement, sufficient to carry out and ensure success of the replacement.

TITLE 11 TREES

Table 40-1
Tree Removal in Overlay Zones and Plan Districts [1]

Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing[2]	T33 Tree Size	Title 33 Zoning Code review for removing
Environmental conservation and protection overlay zones “c” “p” See: 33.430.080	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Non-native non-nuisance trees • Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees • Trees projecting into a City-designated view corridor 	Street all City all Private all	<ul style="list-style-type: none"> • Healthy native trees that do not meet the applicable Title 11 situations listed in this table
Greenway overlay zones “n” “q” “g” “i” “r” See: 33.440.320	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Nuisance species trees • Dangerous trees • Trees landward of the greenway setback in “g” “i” “r” overlays 	Street all City all Private all	<ul style="list-style-type: none"> • Native Trees • Non-native non-nuisance trees • Dead or dying trees • Trees not meeting the listed situations when located within or riverward of the greenway setback in “g” “i” “r” overlays • Trees not meeting the listed situations when located in “n” “q” overlays
Pleasant Valley Natural Resources Overlay Zone “v” See: 33.465.080	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Non-native non-nuisance trees • Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees 	Street all City all Private all	<ul style="list-style-type: none"> • Healthy native trees that do not meet the applicable Title 11 situations listed in this table
Scenic Resource Overlay “s” Only applies to trees that are within the scenic corridor setback. See: 33.480.040 B.2.a.	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Dead, Dying, or Dangerous trees • Trees associated with the repair and maintenance of water, sewer or storm water lines • Trees within 20 feet of a public safety RF Transmission Facility • Street, City, or Private trees up to and including 12 inches diameter provided that replanting per 33.480.040.B.2.h(7) is met [3] 	Street ≥ 6" City ≥ 6" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within the scenic corridor setbacks that do not meet the applicable Title 11 situations listed in this table
Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply. [2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester. [3] Minimum planting is required to meet zoning code requirements.				

TITLE 11 TREES

Table 40-1 (Continued) [1]				
Overlay Zone or Plan District	T11 Tree Size	Title 11 tree permits for removing[2]	T33 Tree Size	Title 33 Zoning Code review for removing
Cascade Station/Portland International Center Plan District See: 33.508.340 Only applies to trees located in a "c" or "p" overlay	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Non-native non-nuisance trees • Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees • Trees projecting into a City-designated view corridor 	Street all City all Private all	<ul style="list-style-type: none"> • Healthy native trees that do not meet the applicable Title 11 situations listed in this table
Columbia South Shore Plan District See: 33.515.262 & 33.515.274 Only applies to trees located in a "c" or "p" overlay	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 10 feet of buildings or attached structures • Nuisance species trees • Dead, Dying, or Dangerous trees when wood 12 inches in diameter and greater is left in the same ownership, unless the City Forester approves removal of diseased wood from the site because it will threaten the health of other trees 	Street all City all Private all	<ul style="list-style-type: none"> • Healthy native trees that do not meet the applicable Title 11 situations listed in this table • Healthy non-native non-nuisance trees that do not meet the applicable Title 11 situations listed in this table
Johnson Creek Basin Plan District 33.537.125 <ul style="list-style-type: none"> • Only applies to trees: • Within 20 feet of the Springwater Corridor lot line; • On a site with any portion in the special flood hazard area; and/or • On a site with any portion in the South Subdistrict. 	Street all City ≥ 3" Private ≥ 6"	<ul style="list-style-type: none"> • All Street Trees • Nuisance species trees • Trees within 10 feet of buildings, attached structures, or right-of-way improvements • Dead, Dying, or Dangerous trees • Trees associated with the repair and maintenance of water, sewer or storm water lines • Any other 6" to 12" tree provided that at least two trees are planted. [3] Trees removed within 20 feet of the Springwater Corridor must be replaced within 20 feet of the corridor	Street n/a City ≥ 6" Private ≥ 6"	<ul style="list-style-type: none"> • Trees within 20 feet of the Springwater Corridor lot line; on a site with any portion in the special flood hazard area; and/or on a site with any portion in the South Subdistrict that do not meet the applicable Title 11 situations listed in this table
Note [1] If a site is in more than one overlay zone or Plan District, the regulations for both areas apply. [2] All Plan Districts and overlay zones require tree replacement, or as allowed by the City Forester. [3] Minimum planting is required to meet zoning code requirements.				

TITLE 14
PUBLIC ORDER AND POLICE

14A General Provisions and Private Citizens

Chapter 14A.10 DEFINITIONS

14A.10.010 Definitions.

Chapter 14A.20 PROCEDURES

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14A.20.050 Prohibited Acts Generally.
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14A.20.080 Restrictions on Rewards.
14A.20.090 Council Decisions on Rewards Final.
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Chapter 14A.30 MISCELLANEOUS ACTS OF MISCONDUCT

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14A.30.050 Tampering with Animals Used for Law Enforcement Purposes.
14A.30.060 Unlawful Possession or Use of Devices Used to Open Coin Boxes.

Chapter 14A.40 INTERFERENCE WITH PERSONS AND SEXUAL MISCONDUCT

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Chapter 14A.50 CONDUCT PROHIBITED ON PUBLIC PROPERTY

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- 14A.50.060 Resale of Tickets to Events at Municipal Facilities at Premium Price Prohibited
- 14A.50.070 Misuse of Public Property.
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- 14A.50.130 Misuse of Reservoirs.

Chapter 14A.55 PARADE EVENT MARKING

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- 14A.55.020 Enforcement and Notice of Violation.
- 14A.55.030 Penalties.
- 14A.55.040 Administrative Review.
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Chapter 14A.60 WEAPONS AND EXPLOSIVES

- 14A.60.010 Possession of a Loaded Firearm in a Public Place.
- 14A.60.020 Discharge of a Firearm.
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- 14A.70.010 Definitions.
- 14A.70.020 Unlawful Frequenting of a Place Where Unlawful Gambling Activity is Conducted.
- 14A.70.030 Unlawful Chain Letter or Pyramid Scheme.
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- 14A.70.050 Social Games Permit Required.
- 14A.70.060 Social Games Permit Application Process.
- 14A.70.070 Social Games Permit Issuance and Denial.
- 14A.70.080 Revocation and Suspension of Social Games Permit.
- 14A.70.090 Appeal of Denial, Revocation, or Suspension of Social Games Permit.
- 14A.70.100 Inspection of Premises Permitted for Social Games.
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Chapter 14A.80 MINORS

- 14A.80.010 Curfew.
- 14A.80.020 Truancy Reduction.

- 14A.80.030 Unlawful Tattooing of a Minor.
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Chapter 14A.90 ILLEGAL FIREARMS USE HOTSPOTS.

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- 14A.90.020 Designation of Illegal Firearms Use Hotspots.
- 14A.90.030 Civil Exclusion.
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Chapter 14A.100 REGULATIONS GOVERNING THE SAFETY AND CONDUCT ON PORTLAND STREETCAR, CITY OF PORTLAND PROPERTY

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- 14A.110.210 Unlawful Gambling.
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- 14A.110.270 Flammable Substances and Ignition Devices.
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Chapter 14B.130

**MARIJUANA REGULATORY LICENSE
PROCEDURE AND REQUIREMENTS**

(Chapter added by Ordinance No. 187359,
effective September 30, 2015.)

Sections:

- 14B.130.010 Purpose.
- 14B.130.020 Definitions.
- 14B.130.030 License Required.
- 14B.130.040 Minimum Standards.
- 14B.130.050 Application Procedure.
- 14B.130.060 Notice.
- 14B.130.070 Issuance and Renewal of the License.
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- 14B.130.090 Inspection of Property and Records.
- 14B.130.100 Penalties.
- 14B.130.110 Revocation or Suspension of License.
- 14B.130.120 Review by the Director and Appeals to the Code Hearings Officer.
- 14B.130.130 Severability.

14B.130.010 Purpose.

The purpose of this Chapter is to protect and preserve the public health, safety, and general welfare of Portland communities by setting requirements for the licensing and siting of businesses that produce, process, sell or transfer marijuana and marijuana items. The standards and procedures exercise the City's authority in accordance with applicable Oregon statutes and administrative rules. This Chapter is adopted pursuant to authority under Oregon statutes, as well as in exercise of the City Charter home rule authority, to regulate business operations in producing, processing, selling or transferring marijuana and marijuana items within the City. Nothing in this Chapter is intended to promote or condone the sale, transfer, distribution, possession or use of marijuana in violation of applicable laws.

14B.130.020 Definitions.

As used in this Chapter, unless the context requires otherwise, the following definitions apply:

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- A.** “Applicant” means any individual that is directly involved in the management and operation of, or has at least 10 percent ownership interest in, the marijuana business or medical dispensary in the City.
- B.** “Cannabinoid concentrates” means any substance obtained by separating cannabinoids from marijuana by;

 - 1.** A mechanical extraction process;
 - 2.** A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
 - 3.** A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or
 - 4.** Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.
- C.** “Cannabinoid edibles” means food or potable liquids into which a cannabinoid concentrate, extract, or dried marijuana leaves or flowers have been incorporated.
- D.** “Cannabinoid extracts” means a substance obtained by separating cannabinoids from marijuana by;

 - 1.** A chemical extraction process using hydrocarbon-based solvent, such as butane, hexane, or propane;
 - 2.** A chemical extraction process using the hydrocarbon based solvent carbon dioxide, if the process uses high heat or pressure, or;
 - 3.** Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.
- E.** “Cannabinoid Product” means an edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contain cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include;

 - 1.** Usable marijuana by itself;
 - 2.** A concentrate by itself;

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- 3. A cannabinoid extract by itself;
- 4. Industrial Hemp, as defined in ORS 571.300.
- F. “Chief of Police” means the Chief of the Bureau of Police, or the Chief’s designee.
- G. “Consumer” means a person who purchases, acquires, owns, holds, or uses marijuana items other than for the purpose of resale.
- H. "Director" means the Director of the Office of Neighborhood Involvement, or the Director's designee.
- I. “Financial consideration” or “For consideration” means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions or donations.
- J. “Licensee” means a person who holds a license issued under PCC Chapter 14B.130.
- K. “Licensee representative” means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.
- L. “Licensed premises” means all public and private enclosed areas at the location that are used in the business operated at the location, including offices, kitchens, rest rooms and storerooms; all areas outside a building that the City has specifically licensed for the production, processing, wholesale sale, retail sale or transfer of marijuana and marijuana items.
- M. “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in ORS 571.300.
- N. “Marijuana Business” means any location within the City that is licensed or has submitted an application to be licensed by the Oregon Liquor Control Commission as any of the following;
 - 1. “Marijuana processor” means a person who processes marijuana items in this City.

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2. “Marijuana producer” means a person who produces marijuana in the City.
 3. “Marijuana retailer” means a person who sells or makes available for purchase marijuana or marijuana items in the City.
 4. “Marijuana wholesaler” means a person who purchases marijuana or marijuana items in this state for resale to a person other than a consumer.
- O.** “Marijuana items” means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.
- P.** “Marijuana Regulatory License” means a license issued by the City to produce, process, sell or transfer marijuana and marijuana items.
- Q.** “Medical Dispensary” means a business located within the City that is registered with the Oregon Health Authority under ORS 475.314 and authorized to transfer usable marijuana, marijuana items and immature marijuana plants, or a site for which an applicant has submitted an application for registration under ORS 475.314.
- R.** “Sale”, “Sales” or “Sold” means any transfer, exchange or barter, in any manner or by any means, for consideration, and includes all sales made by any person including gifts for the purposes of advertising by marijuana businesses.

14B.130.030 License Required.

- A.** No person shall establish, conduct, maintain or operate a medical dispensary or marijuana business in the City without a valid marijuana regulatory license issued by the Office of Neighborhood Involvement.
- B.** Any person that advertises or otherwise holds themselves to be producing, processing or offering marijuana or marijuana items for sale or financial consideration within the City will be presumed to be a medical dispensary or marijuana business subject to the terms of Chapter 14B.130.
- C.** No medical dispensary or marijuana business may lawfully exist in the City absent the issuance of a state license and full regulatory oversight of the marijuana establishment by the State as well as the City. Compliance with the requirements of this Chapter does not provide a defense to criminal prosecution under otherwise applicable law.

14B.130.040 Minimum Standards.

- A.** A marijuana regulatory license may only be issued for specific fixed locations which shall be considered the licensed premises. The licensed premises must be within a building or structure subject to permit review and approval under the Oregon Structural Specialty Code, fire code and related building codes as promulgated by the Oregon Department of Consumer and Business Services. Licensee must obtain the appropriate permits and remain in compliance with fire and building codes.
- B.** If the location is a medical dispensary, the location may be no closer than 1,000 feet of another medical dispensary. The distance between the dispensaries shall be computed by direct measurement of the nearest portion of the building in which one medical dispensary is located to the nearest portion of the building in which the other medical dispensary is located.
- C.** If the location is a marijuana retailer, the location may be no closer than 1,000 feet of another marijuana retailer. The distance between the retailers shall be computed by direct measurement of the nearest portion of the building in which one marijuana retailer is located to the nearest portion of the building in which the other marijuana retailer is located.
- D.** Distance Restrictions for Dispensaries and Retailers.

 - 1.** A marijuana regulatory license will not be granted for a medical dispensary or a marijuana retailer that is within 1,000 feet of another medical dispensary or another marijuana retailer. The distance between the dispensaries and retailers shall be computed by direct measurement of the nearest portion of the building in which one medical dispensary or marijuana retailer is located to the nearest portion of the building in which the other medical dispensary or marijuana retailer is located.
 - 2.** The distance requirement in Subsection 14B.130.040 D.1. shall not apply for applications for medical dispensary licenses received by the Director between from November 1, 2015 to January 29, 2016, that meet the following criteria:

 - a.** The medical dispensary has been registered, operating and in good standing with the Oregon Health Authority since on or before January 1, 2015.
 - b.** The medical dispensary has no outstanding compliance issues pending with the Oregon Health Authority.

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- c. The medical dispensary has had a valid City of Portland Business License since on or before June 30, 2015.
 - d. The application for the medical dispensary has not submitted for or obtained a marijuana regulatory license for a marijuana retailer within 1,000 feet of the location to be licensed under this exception.
 - e. The applicant meets all other requirements of this Chapter.
 - 3. The requirements of Subsection D.1. shall not apply to current, valid renewal applications for medical dispensary licenses issued under Subsection D.2.
 - E. No medical dispensary or marijuana retailer may operate or conduct business within 1,000 feet of:
 - 1. Any public elementary or secondary school for which attendance is compulsory under ORS 339.020 (2013); or
 - 2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1) (a) (2013).
 - 3. The distance from a school to a medical dispensary or a marijuana business retailer shall be computed by direct measurement from the nearest property line of the land used for the school to the nearest portion of the building in which the medical dispensary or marijuana retail business is located.
 - F. No medical dispensary or marijuana business may be located in residential zones RF through RH or where otherwise not allowed per City Code.
 - G. A person or business operating a medical dispensary or marijuana business must comply with all state and local regulations that apply.

14B.130.050 Application Procedure.

- A. Applications for marijuana regulatory licenses will be processed in the order they are received by the Director. The application shall not be considered received until all the required information and documentation has been submitted and the application fee has been paid. An applicant for a marijuana regulatory license shall complete an application that includes the following information:

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1. All completed forms fully executed and signed, including:
 - a. Personal history forms, as developed by the Office of Neighborhood Involvement, for any person who will be directly involved in the management or operation of the proposed medical dispensary or marijuana business for review of the application under Subsection 14B.130.070 C.
 - b. An information form, as developed by the Office of Neighborhood Involvement that includes a description of the planned business operations and a security plan describing how the applicant intends to comply with the requirements of Section 14B.130.080.
 - c. If the application is for a medical dispensary or marijuana retailer, a Marijuana Control Plan to address security protocols, potential nuisance activities and other public safety concerns.
2. A Business License Certificate of Compliance as provided in Section 7.02.300, and;
3. A change of use permit as required by City code when a change in the designated use or a change in the occupancy occurs.
4. Documentation of having applied for or obtained an alarm permit for the premise's security system.
5. Proof of ownership or legal possession of the premises to be licensed for the term of the proposed license. If the licensed premises will be leased, the application shall include, a true and complete copy of the executed lease showing the property owner has authorized the use as a medical dispensary or marijuana business.
6. If the application is for a marijuana processor or marijuana producer, documentation of having applied for or obtained all necessary permits from the Portland Fire & Rescue and Bureau of Development Services.
7. A non-refundable application fee as stated in the fee schedule adopted by City Council. Fees will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Office of Neighborhood Involvement.

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8. The Director may, at the Director's discretion, require additional documentation associated with the application as may be relevant to the requirements of this Chapter. To the extent any materials have been included with the applicant's state license application and forwarded to the City by the state licensing authority, the Director may rely upon the information forwarded from the state without requiring submittal of the same materials in conjunction with the marijuana regulatory license application.
 9. The licensee shall notify the Office of Neighborhood Involvement of any changes in the information required in Subsections 14B.130.050 A.1.a.-c. within 10 business days of the change.
- B.** Applications for renewal of marijuana regulatory licenses must demonstrate compliance with Subsections 14B.130.050 A.1.-7. on a form provided by the Office of Neighborhood Involvement and pay an annual fee as stated in the fee schedule adopted by City Council.

14B.130.060 Notice.

- A.** The Director shall provide notice of an application before a final decision is made to the Bureau of Police, Portland Fire & Rescue, Bureau of Revenue and Financial Services, and Bureau of Development Services.
- B.** For medical dispensaries and marijuana business retailers, the Director shall provide notice of an application before a final decision is made to:
 1. Property owners and property occupants within 300 feet of the proposed licensed premises except for renewal applications and locations previously licensed for the proposed use with change in ownership;
 2. The District Coalition Office and Neighborhood Association in which the marijuana regulatory Licensee is located, or proposed to be located.
 3. Area residents by posting a public notice where the marijuana regulatory licensee is located, or proposed to be located.

14B.130.070 Issuance and Renewal of the License.

- A.** Upon filing of an application and payment of the required application fee, the Director shall ensure that the location proposed to be licensed or registered meets the minimum standards as defined in Section 14B.130.040. If the proposed location meets the minimum standards the Director shall proceed with processing

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the application. If the location does not meet the minimum standards the Director shall deny the application.

- B.** If the proposed location meets the minimum standards as defined in Section 14B.130.040, the Director in consultation with the Chief of Police, shall conduct an investigation of the application and all principals listed according to the requirements in Subsection 14B.130.050 A. If no cause exists for denial, the Director shall issue the license after the following has been received;
1. Proof that a state license or registration has been issued.
 2. The license fee as stated in the fee schedule adopted by City Council. Fees will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Office of Neighborhood Involvement.
- C.** Except as provided for in Subsection 14B.130.070 D., the Director shall deny an initial or renewal application for a marijuana regulatory license if any of the following apply.
1. The applicant, or any person engaged in the direct management and operation of the medical dispensary or marijuana business, or anyone with 10 percent or more interest in the business has previously owned or operated a business regulated by Chapter 14B.130; and
 - a. The license has been revoked for cause that would be grounds for revocation pursuant to Chapter 14B.130.
 - b. The Director has determined that the business has contributed to crime or livability incidents in the area where the medical dispensary or marijuana business is located.
 2. Any statement in the application is false or any required information is withheld;
 3. If the application is for a medical dispensary, the location is not registered with the state under ORS 475.314;
 4. If the application is for a marijuana business, the location is not licensed with the Oregon Liquor Control Commission;
 5. The Director finds by preponderance of the evidence that the applicant or any person directly engaged in the management and operation of the

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medical dispensary or marijuana business has violated local or State law including a permitting or licensing requirement.

- D.** Notwithstanding Subsection 14B.130.070 B., the Director may grant a license after consulting with the Chief of Police despite the presence of one or more factors as outlined in Subsection 14B.130.070 C., if the applicant establishes to the Director's satisfaction that,
1. The behavior evidenced by such factor is not likely to reoccur;
 2. The behavior evidenced by such factor is remote in time; or
 3. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to this Chapter.
- E.** Marijuana regulatory licenses are valid for a term of 1 year and a renewal schedule will be established by rule. The license is non-transferable and valid only for a single fixed location.
1. When the business location is to be changed, the licensee shall provide the address of the new location in writing to the Director to review for compliance with the requirements of this Chapter at least 60 days prior to the change.
 2. A person with multiple dispensaries or business locations must apply for and obtain a license for each separate location.
- F.** Upon denial of an application for a marijuana regulatory license, the Director shall give the applicant written notice of the denial in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.
1. Service of the notice will be accomplished by mailing the notice to the applicant by certified mail, return receipt requested.
 2. Mailing of the notice will be prima facie evidence of receipt of the notice.
- G.** The denial will be effective the date the notice is sent.
- H.** Denial of a marijuana regulatory license may be appealed by filing written notice of an appeal within 10 days of the date of denial in accordance with Section 14B.130.120.

14B.130.080 Requirements.

- A.** A marijuana regulatory licensee must comply with the following regulations:
- 1.** Licensee must display the marijuana regulatory license at the business location in a manner readily visible to patrons.
 - 2.** Licensee may not allow consumption of marijuana or marijuana items on the premises licensed under Chapter 14B.130, except as specifically authorized by Oregon law for employees of medical marijuana dispensaries who are valid, current registry identification cardholders.
 - 3.** Licensee must install and maintain in proper working order at the licensed premises a security system including alarms, safes, and surveillance cameras.
 - a.** Licensee must maintain camera surveillance data backup offsite.
 - b.** Licensee must retain camera surveillance data for a minimum of 30 days.
 - 4.** Except for marijuana producer or processor, sales, transfers and distribution of any marijuana or marijuana items by a Licensee shall occur only upon the licensed premises, and the Licensee shall not provide delivery of marijuana or marijuana items off site, except as expressly allowed under Oregon law regarding delivery off site to holders of Medical Marijuana Patient or Caregiver cards as established under ORS 475.314.
- B.** Any person with a marijuana regulatory license for a medical dispensary or marijuana retailer must comply with the following regulations:
- 1.** Licensee must designate personnel at the entrance intended for consumers to require all persons entering the premises to produce an approved form of identification according to ORS 614.24.1.a-e in order to ensure that no one under the age of 21 is allowed on the premises, except as provided for under ORS 475.314.
 - 2.** Licensee must maintain hours of operation no earlier than 7 a.m. and no later than 9 p.m.
 - 3.** Licensee must not make marijuana or marijuana items available for sale from a vendor cart, temporary structure, or satellite location.

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4. Licensee must install and maintain an air filtration system to ensure odor impacts upon neighboring properties are minimized.
- C. Any person with a processor marijuana regulatory license must comply with the following requirements:
1. Licensee must not allow the licensed location to be open to the general public.
 2. Licensee must adhere to applicable state and local regulations for food production, ensuring that marijuana items made for consumption by eating or drinking are processed in a licensed facility.
- D. Any person with a producer or wholesaler marijuana regulatory license must comply with the following requirements:
1. Licensee must not allow the licensed location to be open to the general public.
 2. Licensee must install and maintain an air filtration system to ensure odor impacts upon neighboring properties are minimized.

14B.130.090 Inspection of Property and Records.

- A. Upon presentation of proper credentials, a Licensee shall allow any representative of the Bureau of Police or the Office of Neighborhood Involvement to enter the business location to ensure compliance with the provisions of Chapter 14B.130. The inspection will be for the limited purpose of inspecting the property and related records as provided in this Chapter and the administrative rules. Except by mutual agreement with the Licensee or by court order, any inspection under this Section may occur only during the Licensee's normal business hours.
1. The Director shall first present proper credentials and demand entry to the property. If entry is refused, the Director may attempt to secure entry by any legal means.
 2. If the Director has first obtained an inspection warrant to secure entry onto the property, no owner or occupant shall refuse, fail or neglect, after proper request, to promptly permit entry by the Director to the property.

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- B.** It shall be unlawful for any owner or occupant to refuse to permit entry by the Director to inspect the property under this Chapter after an inspection warrant has been obtained.
- C.** Grounds for Issuance of inspection warrants.
 - 1.** Affidavit. An inspection warrant shall be issued only upon cause, supported by affidavit, particularly describing the applicant's status in applying for the warrant, the statute, ordinance or regulation requiring or authorizing the inspection or investigation, the property to be inspected or investigated and the purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect. In addition, the affidavit shall contain either a statement that entry has been sought and refused, or facts or circumstances reasonably showing that the purposes of the inspection or investigation might be frustrated if entry were sought without an inspection warrant.
 - 2.** Cause. Cause shall be deemed to exist if reasonable legislative or administrative standards for conducting a routine, periodic or area inspection are satisfied with respect to any building or upon any property, or there is probable cause to believe that a condition of nonconformity with this Chapter exists with respect to the designated property, or an investigation is reasonably believed to be necessary in order to discover or verify the condition of the property for conformity this Chapter.
- D.** Procedure for Issuance of inspection warrants.
 - 1.** Examination. Before issuing an inspection warrant, the judge may examine under oath the applicant and any other witness and shall be satisfied of the existence of grounds for granting such application.
 - 2.** Issuance. If the judge is satisfied that cause for the inspection or investigation exists and that the other requirements for granting the application are satisfied, the judge shall issue the warrant, particularly describing the person or persons authorized to execute the warrant, the property to be entered and the purpose of the inspection or investigation. The warrant shall contain a direction that it be executed on any day of the week between the hours of 8 a.m. and 6 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.

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3. Police Assistance. In issuing an inspection warrant on unoccupied property, including inspection warrants pursuant to Section 14B.130.090, the judge may authorize any peace officer, as defined in Oregon Revised Statutes, to enter the described property to ensure the safety of the Director or representative of the bureau in completing the inspection.

E. Execution of inspection warrants.

1. Occupied Property. Except as provided in Subsection 2. of this Section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
2. Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in Subsection 1. of this Section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.
3. Return. An inspection warrant must be executed within 10 working days of its issue and returned to the judge by whom it was issued within 10 working days from its date of execution. After the expiration of the time prescribed by this Subsection, the warrant unless executed is void.

14B.130.100 Penalties.

- A. The Director may assess civil penalties in an amount up to \$5,000 for any violation of this Chapter.
- B. Procedure.
 1. The Director having made a determination to seek civil penalties as provided by this Section, shall give the Licensee written notice of the determination in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.

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2. Service of the notice will be accomplished by mailing the notice by certified mail, return receipt requested to the mailing address provided by the licensee.
 3. Mailing of the notice will be prima facie evidence of receipt of the notice.
 4. The civil penalty will be due 10 days from the date of the notice unless appealed in accordance with Section 14B.130.120.
- C. In determining the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Director shall consider:
1. The extent and nature of the person's involvement in the violation;
 2. The economic or financial benefit accruing or likely to accrue as a result of the violations;
 3. Whether the violations were repeated or continuous, or isolated and temporary;
 4. The magnitude and seriousness of the violation;
 5. The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
 6. Any other factors the Director may deem to be relevant.

14B.130.110 Revocation or Suspension of License.

- A. The Director may, after consulting with the Chief of Police, revoke or suspend any license issued pursuant to this Chapter.
1. For any cause that would be grounds for denial of a license; or,
 2. Upon finding that any violation of the provisions of this Chapter, State, or local law has been committed and the citation is connected with the operation of the licensed business location so that the person in charge of the business location knew, or should reasonably have known, that violations or offenses were permitted to occur at the location.
 3. If payment of civil penalties has not been received within 10 business days by the Office of Neighborhood Involvement.

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- B.** The Director, upon revocation or suspension of any license issued pursuant to this Chapter, shall give the Licensee written notice of the revocation or suspension in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.
 - 1.** Service of the notice will be accomplished by mailing the notice by regular and certified mail, return receipt requested.
 - 2.** Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.
- C.** Revocation will be effective and final 10 days after the date of notice unless the revocation is appealed in accordance with Section 14B.130.120.
- D.** Suspension will be effective immediately upon the date of the notice, for the period of time set in the notice not to exceed 30 days.

14B.130.120 Review by the Director and Appeals to the Code Hearings Officer.

- A.** Any determination issued pursuant to Sections 14B.130.070, 14B.130.100 or 14B.130.110 believed to be made in error may be reviewed by the Director if requested by the recipient. The request must be submitted in writing within 15 days of the determination, and must include all evidence that supports the request. The Director's determination shall be served by regular mail.
- B.** The Director's determination may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of Portland City Code.
- C.** The filing of a notice of appeal of revocation or suspension of a license, or of a civil penalty imposed by the Director under this Chapter, will stay the effective date of the action until the Code Hearings Officer issues an opinion.

14B.130.130 Severability.

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, void, illegal or unconstitutional, either on its face or as applied, such decision shall not affect the applicability, constitutionality, legality or validity of any remaining portions of this chapter. The Council hereby declares its intention to have adopted this chapter, and each section, subsection, sentence, clause, and phrase of this chapter, regardless of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid, void, illegal or unconstitutional, and that the same would have been adopted by the Council had such invalid, void, illegal or unconstitutional sections, subsections, sentences, clauses, or phrases, if any, not been included in this Chapter.

Chapter 14C.10

POLICE DUTIES TO INVENTORY PROPERTY

Sections:

- 14C.10.010 Purpose.
- 14C.10.020 Definitions.
- 14C.10.030 Inventories of Impounded Vehicles.
- 14C.10.040 Inventories of Persons in Police Custody.

14C.10.010 Purpose.

This Chapter is meant to apply exclusively to the process for conducting an inventory of the personal property in an impounded vehicle and the personal possessions of a person in police custody and shall not be interpreted to affect any other statutory or constitutional right(s) that police officers may employ to search persons or search or seize possessions for other purposes.

14C.10.020 Definitions.

For the purpose of this Chapter, the following definitions shall apply:

- A.** “Valuables” means:
 - 1.** Cash money of an aggregate amount of \$50 or more; or
 - 2.** Individual items of personal property with a value of \$500 or more.
- B.** “Open container” means a container which is unsecured or incompletely secured in such a fashion that the container’s contents are exposed to view.
- C.** “Closed container” means a container whose contents are not exposed to view.
- D.** “Police custody” means either:
 - 1.** The imposition of restraint as a result of an ‘arrest’ as that term is defined at ORS 133.005(1);
 - 2.** The imposition of actual or constructive restraint by a police officer pursuant to a court order;
 - 3.** The imposition of actual or constructive restraint by a police officer pursuant to ORS Chapter 430, or Chapter 419B; or

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4. The imposition of actual or constructive restraint by a police officer for purposes of taking the restrained person to an approved facility for the involuntary confinement or detaining of persons pursuant to Oregon Revised Statute or this Code.
- E. “Police officer” means any police officer employed or acting at the direction of or in collaboration with the Portland Bureau of Police and any officer of the Port of Portland Police Department.

14C.10.030 Inventories of Impounded Vehicles.

- A. The contents of all vehicles impounded by a police officer will be inventoried. The inventory shall be conducted before constructive custody of the vehicle is released to a third-party towing company except under the following circumstances:
1. If there is reasonable suspicion to believe that the safety of either the police officer(s) or any other person is at risk, a required inventory will be done as soon as safely practical; or
 2. If the vehicle is being impounded for evidentiary purposes in connection with the investigation of a criminal offense, the inventory will be done after such investigation is completed.
- B. The purpose for the inventory of an impounded vehicle will be to:
1. Promptly identify property to establish accountability and avoid spurious claims to property;
 2. Assist in the prevention of theft of property;
 3. Locate toxic, flammable or explosive substances; or
 4. Reduce the danger to persons and property.
- C. Inventories of impounded vehicles will be conducted according to the following procedure:
1. An inventory of personal property and the contents of open containers will be conducted throughout the passenger and engine compartments of the vehicle including, but not limited to, accessible areas under or within the dashboard area, in any pockets in the doors or in the back of the front seat, in any console between the seats, under any floor mats and under the seats;

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2. In addition to the passenger and engine compartments as described above, an inventory of personal property and the contents of open containers will also be conducted in the following locations:
 - a. Any other type of unlocked compartments that are a part of the vehicle including, but not limited to, unlocked vehicle trunks and unlocked car- top containers; and
 - b. Any locked compartments including, but not limited to, locked vehicle trunks, locked hatchbacks and locked car-top containers, if either the keys are available to be released with the vehicle to the third-party towing company or an unlocking mechanism for such compartment is available within the vehicle.
3. Unless otherwise provided in this Chapter, closed containers located either within the vehicle or any of the vehicle's compartments will not be opened for inventory purposes.
4. Upon completion of the inventory, the police officer will complete a report as directed by the Chief of such officer's department.
5. Any valuables located during the inventory process will be listed on a property receipt. A copy of the property receipt will either be left in the vehicle or tendered to the person in control of the vehicle if such person is present. The valuables will be dealt with in such manner as directed by the Chief of the police officer's department.

14C.10.040 Inventories of Persons In Police Custody.

- A. A police officer will inventory the personal property in the possession of a person taken into police custody and such inventory will be conducted whenever:
 1. Such person will be either placed in a secure police holding room or transported in the secure portion of a police vehicle; or
 2. Custody of the person will be transferred to another law enforcement agency, correctional facility, or "treatment facility" as that phrase is used in ORS 426.460 or such other lawfully approved facility for the involuntary confinement of persons pursuant to Oregon Revised Statute.
- B. The purpose of the inventory of a person in police custody will be to:

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1. Promptly identify property to establish accountability and avoid spurious claims to property; or
 2. Fulfill the requirements of ORS 133.455 to the extent that such statute may apply to certain property held by the police officer for safekeeping; or
 3. Assist in the prevention of theft of property; or
 4. Locate toxic, flammable or explosive substances; or
 5. Locate weapons and instruments that may facilitate an escape from custody or endanger law enforcement personnel; or
 6. Reduce the danger to persons and property.
- C. Inventories of the personal property in the possession of such persons will be conducted according to the following procedures:
1. An inventory will occur prior to placing such person into a holding room or a police vehicle, whichever occurs first. However, if reasonable suspicion to believe that the safety of either the police officer(s) or the person in custody or both are at risk, an inventory will be done as soon as safely practical prior to the transfer of custody to another law enforcement agency or facility.
 2. To complete the inventory of the personal property in the possession of such person, the police officer will remove all items of personal property from the clothing worn by such person. In addition, the officer will also remove all items of personal property from all open containers in the possession of such person.
 3. A closed container in the possession of such person will have its contents inventoried only when:
 - a. The closed container is to be placed in the immediate possession of such person at the time that person is placed in the secure portion of a custodial facility, police vehicle or secure police holding room;
 - b. Such person requests that the closed container be with them in the secure portion of a police vehicle or a secure police holding room; or

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- c. The closed container is designed for carrying money and/or small valuables on or about the person including, but not limited to, closed purses, closed coin purses, closed wallets and closed fanny packs.
- D. Valuables found during the inventory process will be noted by the police officer in a report as directed by the Chief of such officer's department.
- E. All items of personal property neither left in the immediate possession of the person in custody nor left with the facility or agency accepting custody of the person, will be handled in the following manner:
 1. A property receipt will be prepared listing the property to be retained in the possession of the respective police department and a copy of that receipt will be tendered to the person in custody when such person is released to the facility or agency accepting custody of such person;
 2. The property will be dealt with in such manner as directed by the Chief of such officer's department.
- F. All items of personal property neither left in the immediate possession of the person in custody nor dealt with as provided in Subsection 14.10.040 E. above, will be released to the facility or agency accepting custody of the person so that they may:
 1. Hold the property for safekeeping on behalf of the person in custody, and
 2. Prepare and deliver a receipt, as may be required by ORS 133.455, for any valuables held on behalf of the person in custody.

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Chapter 14C.20

**POLICE BUREAU PROPERTY/
EVIDENCE DIVISION DUTIES**

Sections:

- 14C.20.010 Maintenance of Property/Evidence Division.
- 14C.20.020 Receipts for Property.
- 14C.20.030 Records.
- 14C.20.040 Evidence Property.
- 14C.20.050 Reserved.
- 14C.20.060 Found Property.

14C.20.010 Maintenance of Property/Evidence Division.

The Bureau of Police shall maintain a property/evidence division which shall keep the following:

- A.** Property of all persons arrested by Portland Police and incarcerated in a Multnomah County Jail, except any personal items kept at the jailer's discretion for the prisoners;
- B.** Evidence seized by officers or other persons in the process of making an arrest;
- C.** Contraband, illegal items, or miscellaneous property which comes into possession of members of the Bureau of Police.

14C.20.020 Receipts for Property.

Officers and other authorized persons shall issue a receipt for all seized property, a duplicate copy of which shall be retained by the property/evidence division custodian. The receipt and any copy therefrom shall bear the signature of the person depositing the property and contain a description of the property.

14C.20.030 Records.

The property/evidence division custodian shall keep an accurate record of all property received by the property/evidence division and shall keep current records showing the disposition of all property.

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14C.20.040 Evidence Property.

(Amended by Ordinance No. 186355, effective November 27, 2013.)

- A.** All property received by the property/evidence division as evidence shall be held subject to use as evidence in the appropriate court(s). Currency received by the division may be held as cash or deposited into a trust fund. Upon final disposition of the case(s) for which such property was seized as evidence, the Bureau of Police shall make a reasonable attempt to return all lawful property still held by the property/evidence division to its legal owner or rightful possessor. The property/evidence division may return currency in the form of cash.
- B.** The Bureau of Police shall make a reasonable attempt to give notice to the legal owner or rightful possessor that the property will be released to him or her. The notice shall state that the legal owner or rightful possessor has 60 days within which to claim the property at the Bureau of Police. All property received from the property/evidence division requires the signature of the legal owner or rightful possessor.
- C.** Upon attempted notice, if property is not claimed within 60 days, the property may be disposed of by the Bureau of Police in the manner provided by law. Payment on disputed claims shall be authorized either by an appropriate court order approved by the City Attorney or by ordinance.

14C.20.060 Found Property.

All found property in the custody of the Bureau of Police will be held, and a reasonable attempt will be made to return the property to the owner. If the owner of found property held by the Bureau of Police cannot be determined, or no owner comes forward to claim the property, the property may be disposed after 30 days from the date the property was taken into custody by the Bureau of Police in the manner provided by law.

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Chapter 14C.30

**GENERAL PROCEDURES AND
AUTHORITY OF THE BUREAU OF POLICE**

Sections:

- 14C.30.010 Authority to Restrict Access to Certain Areas.
- 14C.30.020 Other Police Officers Authorized to Arrest, Cite, or Take Other Enforcement Action for Violations of City Code Provisions.
- 14C.30.030 Authority to Direct Traffic on Public Rights of Way.
- 14C.30.040 Seizure and Disposition of Weapons.
- 14C.30.050 Seizure of Dangerous and Deadly Weapons for Safekeeping.
- 14C.30.060 Caretaking of Property.
- 14C.30.070 Authority of Tri-Met to Prohibit Misuse of Transit Shelters and Loading Platforms on City Property.
- 14C.30.080 Appeal of Designation as a Gang Affiliate.

14C.30.010 Authority to Restrict Access to Certain Areas.

- A.** Whenever a threat to the public health or safety is created by any emergency, a Portland police officer may restrict or deny access to any persons to the area where such threat exists, for the duration of such threat, when the officer reasonably believes the presence of such persons would constitute a danger to themselves or others or would substantially interfere with the performance of the police or other emergency services. For purposes of this Section, an emergency includes, but is not limited to an escaped prisoner, a natural disaster, a fire, an explosion, an accident, a riot, the presence of an armed person, a hostage incident or a bomb threat.
- B.** Whenever it appears to be reasonably necessary to investigate, or to preserve or collect evidence of criminal acts, a police officer may restrict or deny access to any area.
- C.** As used in this Section, "restrict or deny access" means that a police officer has the authority to regulate or prohibit the presence or movement of persons or vehicles to, from, and within any area, to evacuate persons and to move or remove any property therefrom, until the reason for such restriction or denial of access no longer exists.

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- D.** It is unlawful for any person to enter or to refuse to leave any area closed or restricted in access pursuant to Subsections (A) or (B) above, unless such person has specific statutory authority, or the permission of the on-scene ranking police officer, to be within such area.
- E.** In accordance with the authority granted by this Section, and in consideration of the law enforcement and emergency services needs involved, provision shall be made for reasonable access to such areas by members of the media for the purpose of news gathering and reporting.

14C.30.020 Other Police Officers Authorized to Arrest, Cite, or Take Other Enforcement Action for Violations of City Code Provisions.

(Amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.)
Police officers, as defined in this Title, are authorized to arrest, issue a citation, or take other enforcement action for violations of the following City Code provisions:

- A.** All provisions of Title 11, Tree Regulations;
- B.** All provisions of Title 14, Public Order and Police;
- C.** All provisions of Title 16, Vehicles and Traffic;
- D.** All provisions of Title 18, Noise Control; and
- E.** All provisions of Title 20, Parks and Recreation.

14C.30.030 Authority to Direct Traffic on Public Rights of Way.

Officers and reserve officers of the Portland Police Bureau are authorized to direct pedestrian and vehicular traffic on any public right of way.

14C.30.040 Seizure and Disposition of Weapons.

- A.** The Bureau of Police may seize and take possession of any dangerous or deadly weapon that is possessed unlawfully, or used unlawfully, or used for an unlawful purpose. The weapon shall be held subject to disposal as provided in this Section.
- B.** If it is determined that the weapon was not possessed, carried, or used unlawfully, the weapon shall be released to the lawful owner if he or she files a timely written claim with the Bureau.
 - 1.** A claim is timely if it is filed:

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14C.30.070 Authority of Tri-Met to Prohibit Misuse of Transit Shelters and Loading Platforms on City Property.

- A.** Tri-Met may make and enforce such ordinances and regulations as it deems necessary regarding misuse of transit shelters and transit loading platforms for the purpose of exclusion and criminal trespass.
- B.** For the purposes of this Section, the following definitions apply:
 - 1.** Transit Shelter: the area within the drip line of any transit shelter within the limits of the City of Portland, except the Pioneer Square North and South stations.
 - 2.** Transit loading platform: the area that extends the entire length of the tactile bricks where Tri-Met operated trains and trolleys load and unload within the limits of the City of Portland. This area extends from the tracks to one foot past the rear of the Tri-Met ticket vending machines, or to the farthest drip line of the transit shelter, whichever is farthest from the tactile bricks.

14C.30.080 Appeal of Designation as a Gang Affiliate.

- A.** Any person who is to be designated as a gang affiliate by the Police Bureau following the administrative hearing provided for in the Portland Police Bureau Manual of Policy and Procedure or who has unsuccessfully challenged a gang affiliate designation at such a hearing, has a right of appeal to the Code Hearings Officer.
- B.** The appeal authorized by this Section shall be conducted in accordance with the procedures and under the conditions set forth in Chapter 22.10 of this Code.

TITLE 16
VEHICLES AND TRAFFIC

Chapter 16.10

ADMINISTRATIVE PROVISIONS

- 16.10.001 Purpose.
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- 16.10.030 Authority to Direct Traffic on Public Rights of Way.
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- 16.10.200 Duties of the City Traffic Engineer.
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- 16.10.600 Authority of Law Enforcement and Fire Officers.
- 16.10.650 Parking Code Enforcement Officers.
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Chapter 16.20

PUBLIC RIGHT-OF-WAY PARKING

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Chapter 16.30

TOWING & DISPOSITION OF VEHICLES

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Chapter 16.40 PRIVATE FOR-HIRE TRANSPORTATION REGULATIONS

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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 Ordinance 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, 179141 and 187261, effective July 15, 2015.) 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, city owned or operated property, parking lot, 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 in any meter district if the space reservation device and/or signs are in place, and verified during the prior day before or:
1. By 12:30 p.m. if the meters are in effect until 6 p.m. within the meter district;
- or,

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2. By 1:30 p.m. if the meters are in effect until 7 p.m. or later within the 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;
- 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);

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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);
 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 Ordinance Nos. 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

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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.

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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;
 - 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 Ordinance 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

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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 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.

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- 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.
- 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,

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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 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

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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.

16.30.620 Sale of Vehicles.

(Amended by Ordinance No. 166575, effective 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

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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 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 Ordinance No. 165594, effective 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 Ordinance No. 165594, effective 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:

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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;
 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 16.35

DESIGNATED PARKING MANAGEMENT PLAN DISTRICTS

(Chapter added by Ordinance No. 187261,
effective July 15, 2015.)

Sections:

- 16.35.010 Purpose.
- 16.35.020 Controlling Requirements for Parking.
- 16.35.100 Upper Northwest Parking Area Regulations.
- 16.35.110 Upper Northwest Parking Definitions.
- 16.35.120 Upper Northwest Permit Violation and Enforcement.
- 16.35.130 Upper Northwest Meter Violation and Enforcement.
- 16.35.200 Central Eastside Industrial Area Permit Parking Regulations.
- 16.35.210 Central Eastside Industrial Area Permit Parking.
- 16.35.220 Central Eastside Industrial Area (CEID) Violations and Enforcement.

16.35.010 Purpose.

Chapter 16.35 is added to Title 16 to address parking challenges presented in congested inner neighborhoods of the City, while striving to maintain livability and business vitality in those designated parking districts. Parking Management Plan Districts seek to balance these various aspects through such mechanisms as residential and business parking permits, varying times for parking meters and flexibility for visitors to the districts.

16.35.020 Controlling Requirements for Parking.

Except where explicitly addressed in Chapter 16.35, the provisions of Title 16 shall control parking of motor vehicles. The Council separately establishes Parking Area Management Plans. The City Traffic Engineer has authority under Title 16 to adjust boundaries within Parking Area Management Plans for meters and permit requirements through signage within the boundaries of established Parking Area Management Plans.

16.35.100 Upper Northwest Parking Area Regulations.

Sections 16.35.100 through 16.35.130 contains regulations addressing parking within the Upper Northwest Parking Area.

16.35.110 Upper Northwest Parking Definitions.

- A. Upper Northwest Long-Term Parking Meter - Any parking meter with a designated time limit of 1 hour or more, as regulated by signage within the Upper Northwest Parking Area.

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- B.** Upper Northwest Metered District - The portion of all block faces which are regulated by signage as time zones requiring meter payment within Zone M.
- C.** Upper Northwest Parking Area - The area with boundary lines depicted on the Northwest Parking Management Plan Map, which shall be maintained in the files of the City Traffic Engineer as the official map for the Area. The Upper Northwest Parking Area is contiguous with Zone M, and overlays Zone M permit parking regulations with right-of-way parking regulations established in this Chapter. Within the Upper Northwest Parking Area, the City Traffic Engineer may control parking by signage. Zone M parking permits and meter regulations apply within a portion of the Upper Northwest Parking Area.
- D.** Upper Northwest Parking Permit Area - The area within the Upper Northwest Parking Area which is outside the Upper Northwest Metered District, as regulated by signage.
- E.** Upper Northwest Parking Permit Meter Area - Any parking spaces regulated by signage as metered parking within the Upper Northwest Parking Permit Area.
- F.** Upper Northwest Short-Term Parking Meter - Any parking meter with a designated time limit of less than one hour, as regulated by signage within the Upper Northwest Parking Area.
- G.** Upper Northwest Zone M Permit - A currently valid area parking permit applicable to Zone M and properly displayed in a permitted vehicle.
- H.** Zone M - The parking permit area established by Council within the Northwest Parking Area Management Plan, identified in the Northwest Parking Area Management Plan Map. Within Zone M, the City Traffic Engineer may control parking by signage.

16.35.120 Upper Northwest Permit Violation and Enforcement.

Violations established in this Section will be cited as Upper Northwest Permit Violations:

- A.** Within the Upper Northwest Parking Permit Area during permit designated hours, it is unlawful for any person to park any vehicle without a valid Upper Northwest Zone M Permit to either:
 - 1.** Exceed the maximum visitor time limit allowed within the Upper Northwest Parking Permit Area; or,
 - 2.** Return to the same Upper Northwest Parking Permit Area block face for a period of 4 hours after parking for any time period.

- B.** Within the Upper Northwest Parking Permit Meter Area, except for vehicles displaying a valid Upper Northwest Zone M Permit:
- 1.** 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 applicable parking meter fee; and,
 - 2.** Upon expiration of the parking meter, a citation may be issued if a vehicle remains parked or stopped on the same block face.

16.35.130 Upper Northwest Meter Violation and Enforcement.

Violations established in this Section will be cited as Upper Northwest Meter Violations.

- A.** At any parking space signed for an Upper Northwest Long-Term Meter, it is unlawful for any person to park a vehicle during the hours of operation of the meter without paying the applicable parking meter fee.
- B.** Upon expiration of an Upper Northwest Long-Term Parking Meter a citation may be issued if a vehicle remains parked or stopped on the same block face.
- C.** A vehicle in an Upper Northwest Long-Term Parking Meter space may remain in said space longer than the time designated time limit upon payment of the applicable parking meter fee.
- D.** It is unlawful for any person to park any vehicle in an Upper Northwest Short-Term meter space during the hours of operation of the meter without paying the applicable parking meter fee.
- 1.** It is unlawful for any person to extend the parking time beyond the designated limit for parking in the Upper Northwest Short-Term Meter space.
 - 2.** Upon expiration of the designated time limit, for the Upper Northwest Short-Term Meter space, a citation may be issued if a vehicle remains parked or stopped on the same block face unless it has moved 500 linear feet , as measured along the curb or edge line.
 - 3.** Upon leaving an Upper Northwest Short-Term Meter space, a vehicle may not return to an Upper Northwest Short-Term Meter space in the same block face for a 3-hour period, unless it has moved more than 500 linear feet as measured along the curb or edge line from the previously used Upper Northwest Short-Term Meter space.

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- E.** Successive Violations. Within the Upper Northwest Parking Area, if a citation has been issued for any Northwest Parking Meter Violation:
- 1.** To a vehicle parked or stopped at an Upper Northwest Short-Term Parking Meter space, and the cited vehicle remains parked or stopped on the same block face, a separate violation occurs upon the expiration of each successive maximum period of parking as designated by official signs, markings or meters. A separate citation may be issued for each successive violation.
 - 2.** To a vehicle parked or stopped at an Upper Northwest Long-Term Parking Meter space, and the cited vehicle remains parked or stopped at the same space, a separate violation occurs upon the expiration of a parking receipt for the vehicle at that space as designated by official signs, markings or meters. A separate citation may be issued for each successive violation.

16.35.200 Central Eastside Industrial Area Permit Parking Regulations.

Sections 16.35.200 through 16.35.220 contains regulations addressing parking within the Central Eastside Industrial Area Permit Parking.

16.35.210 Central Eastside Industrial Area Permit Parking.

The Central Eastside Industrial Area (CEID) includes the area with boundary lines depicted on the CEID Plan Map, which shall be maintained in the files of the City Traffic Engineer as the official map for the Area. The Central Eastside Industrial Area is contiguous with Zone G and Zone N, and overlays Zone G and Zone N permit parking regulations with right-of-way parking regulations established in this Chapter. Within the Central Eastside Industrial Area (CEID), the City Traffic Engineer may control parking by signage. Zone G and N Parking permits apply within a portion of the Central Eastside Industrial Area (CEID).

16.35.220 Central Eastside Industrial Area (CEID) Violations and Enforcement.

Violations established in this Section will be cited as Central Eastside Industrial Area (CEID) violations:

- A.** Within the Central Eastside Industrial Area (CEID) Parking Permit Area during permit designated hours, it is unlawful for a non-permitted vehicle to:
- 1.** Exceed the maximum visitor time limit allowed within the Parking Permit Area; or,
 - 2.** Return to the same Parking Permit Area block face for a period of 3 hours after parking for any time period.

Chapter 16.40

PRIVATE FOR-HIRE TRANSPORTATION REGULATIONS

(Chapter 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.
- 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.
- 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.
- 16.40.210 Limit on Number of Taxicabs Allowed.
- 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 Restrictions and Reporting.
16.40.440	Reports to the Administrator.
16.40.450	Limousine, Executive Sedan and Taxi Data Required.
16.40.460	Limousine and Executive Sedan Transportation Must Be Prearranged; Exceptions.
16.40.470	Maximum Fares for Shuttles; No Charge for Luggage.
16.40.480	Minimum Fares for Limousines and Executive Sedans.
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.
16.40.620	Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.
16.40.630	Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.
16.40.640	Horse-Drawn Carriage Permit and Plate Required – Application Process and Requirements.
16.40.650	Horse-Drawn Carriage Insurance Requirements.
16.40.660	Horse-Drawn Carriage Temperature, Time and Place Restrictions.
16.40.670	Operation of Horse-Drawn Carriages: Requirements and Prohibitions.
16.40.680	Care of Carriage Horses.
16.40.690	Horse-Drawn Carriage Regulations.
16.40.700	Horse-Drawn Carriage Penalties.
16.40.710	Paid Passenger Referrals Prohibited.
16.40.720	Transportation Network Company Permit Requirements.
16.40.730	Transportation Network Driver Permit Requirements.
16.40.740	Transportation Network Vehicle Permit Requirements.

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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.

(Amended by Ordinance Nos. 184361, 186385, 186746, 187049 and 187092, effective April 21, 2015.)

- A.** “Administrator” means the private for-hire transportation Program Administrator.
- B.** “Approved Mechanic” means a mechanic 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;

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- 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. “Approved Blue Seal Shop” means a mechanic shop recognized with the ASE Blue Seal of Excellence by the National Institute of Automotive Service Excellence (ASE).
- D. “Board” means the Private For-Hire Transportation Board of Review.
- E. “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.
- F. “Bureau” means the Portland Bureau of Transportation of the City of Portland.
- G. “Carriage” means any vehicle or conveyance that is drawn, pulled or propelled by a horse or other animal(s).
- H. “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.
- I. “Company Permit” means the permit issued to a private for-hire transportation company under the terms of this Chapter and/or administrative rules.
- J. “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.
- K. “Conduct Business” means operating a for-hire vehicle or company, receiving money or other compensation from the use of a for-hire vehicle, causing or allowing another person to do the same, or advertising the same.
- L. “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.

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- M.** “Day” means a business day and not a calendar day unless specifically stated otherwise.
- N.** “Decal” means the numbered identification sticker issued by the City and affixed to an LPT vehicle.
- O.** “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.
- P.** “Director” means the Director of the Portland Bureau of Transportation.
- Q.** “Downtown Core” means the area formerly known as the “Fareless Square” or “Free Rail Zone” as defined by TriMet as follows: The area to the west of the Willamette River shall be bounded on the North by NW Irving, except that at the intersection of NW Irving and NW Station Way it shall be bounded on the North by NW Station Way to NW Broadway and then by NW Broadway south to NW Irving and continuing west on NW Irving to the Stadium (I-405) Freeway, on the West and South by the Stadium (I-405) Freeway and on the East by the Willamette River. The area to the east of the Willamette River shall be bounded on the West by North Interstate Avenue, on the North by NE Multnomah to 125 feet east of 13th Avenue, on the East by 13th Avenue and on the South by NE Holladay.
- R.** “Driver Permit” means the permit issued to a private for-hire transportation driver under the terms of this Chapter.
- S.** “Driver” means a for-hire transportation driver, including taxi drivers and LPT drivers.
- T.** “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.
- U.** “Horse-Drawn Carriage” is a vehicle or conveyance operating for hire that is drawn, pulled, propelled or powered, in whole or in part, by a horse, mule or other animal(s).
- V.** “Horse-Drawn Carriage Driver Permit” means the permit issued to a horse-drawn carriage driver under the terms of this Chapter.
- W.** “Limited Passenger Transportation Company” (LPT Company) means a for-hire transportation company other than a taxi company or Transportation Network Company.

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- X.** “Limited Passenger Transportation” (LPT) means providing for-hire transportation services with non-motorized vehicles or motorized vehicles other than taxicabs or Transportation Network Vehicles. LPTs include, but are not limited to, horse-drawn carriages, pedicabs, executive sedans, limousines, shuttles and SATs.
- Y.** “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”.
- Z.** “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.
- AA.** “Passenger” means a person traveling in a for-hire transportation vehicle that is not the operator of that vehicle.
- BB.** “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.
- CC.** “Pedicab Driver Permit” means the permit issued to a pedicab driver under the terms of this Chapter.
- DD.** “Permittee” means a person or business entity that has been issued a driver or company permit under the terms of this Chapter.
- EE.** “Permitted” means that a for-hire transportation company, driver or vehicle has a valid city-issued permit, decal or taxiplate.
- FF.** “Person” means any individual, partnership, joint venture, association, club, trust, estate, corporation, or other form of business organization recognized by Oregon Law.
- GG.** “Plate” means the numbered identification plate issued by the City and affixed to a horse-drawn carriage or pedicab.

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- HH.** “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 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”.
- II.** “Private for-hire transportation” means providing vehicular, horse-drawn carriage 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.
- JJ.** “Private for-hire vehicle” means motorized or non-motorized vehicle used to transport persons for-hire or other consideration and which is not exclusively regulated by the State. This includes limousines, taxis, executive sedans, shuttles, SATs, pedicabs, and horse-drawn carriages; but does not include school buses, charter buses or ambulances.
- KK.** “Revocation” means that a permit, taxiplate or decal is no longer valid and cannot be renewed without approval by the Director of the Portland Bureau of Transportation.
- LL.** “Shuttle Transportation” means transportation provided in a vehicle over a fixed route and time schedule.
- MM.** “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.
- NN.** “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.
- OO.** “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.

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- PP.** “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.
- QQ.** “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.
- RR.** “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.
- SS.** “Taxiplate” means the numbered metal identification plate issued by the City and permanently affixed to the rear of a taxicab.
- TT.** “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.
- UU.** “Transportation Network Company” (TNC) means any entity, other than a taxicab or LPT company, that operates private for-hire transportation by connecting passengers to Transportation Network Drivers who offer and provide Transportation Network Services through an internet based digital or software platform/application.
- VV.** “Transportation Network Driver” means any individual operating a private for-hire vehicle who connects with passengers through an internet based digital or software platform/application operated by a Transportation Network Company.
- WW.** “Transportation Network Services” mean private for-hire transportation services offered or provided for compensation by a Transportation Network Company that connects passengers with Transportation Network Drivers through an internet based digital or software platform/application.
- XX.** “Transportation Network Vehicle” means any vehicle driven by a Transportation Network Driver to provide Transportation Network Services.
- YY.** “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.
- ZZ.** “Week” means the 7-day period from Monday through Sunday.

AAA. “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;
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

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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.
- 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.

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- 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.

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.

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- 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.
- 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:

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- 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.

(Amended by Ordinance Nos. 185496 and 187092, effective April 21, 2015.)

- 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;

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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 conviction 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. 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;

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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 for an LPT Driver Permit must successfully complete each of the following tests as administered by the Bureau before a permit can be issued. Applicants for Taxi Driver Permit must successfully complete each of the following Bureau approved tests as administered by the Bureau or a permitted Taxicab Company within 4 months of issuance of the driver's permit:
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.

- I.** The Director is authorized to provide by Administrative Rule the special permitting process for round trip medical transportation from distant areas for service provided by medical brokerages under contract with the Oregon Health Authority.

16.40.100 Issuance of Driver's Permit; Term; Replacements.
(Amended by Ordinance No. 187092, effective April 21, 2015.)

- 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.
- 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., 16.40.090 G. and 16.40.090 H. within 6 months of the permit's

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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.

(Amended by Ordinance No. 187092, effective April 21, 2015.)

- 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.** Completing, within 90 days, any skills tests, driving tests, or knowledge tests that the applicant failed; or
- D.** 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 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.

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16.40.130 LPT Company Permits Required – Application Process & Requirements.

(Amended by Ordinance No. 185496, effective August 10, 2012.)

- 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,
 - 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.

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- 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.
- E.** The Director is authorized to provide by Administrative Rule the special permitting process for round trip medical transportation from distant areas for service provided by medical brokerages under contract with the Oregon Health Authority.

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.

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16.40.170 LPT and Taxicab Company Permit Renewals.

(Amended by Ordinance No. 185721, effective November 7, 2012.)

- 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.
- 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.
- G.** Company and vehicle permits will not be renewed if the company does not achieve the minimum score on the matrix of taxi company performance standards. The number of taxi vehicle permit renewals granted will be related to review of the performance standards. Taxi company performance standards will be described by administrative rule.

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.

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- 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.
- 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.
(Amended by Ordinance Nos. 185496, 185497 and 187092, effective April 21, 2015.)

- 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.

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- 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
- 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: 10 years
 4. SAT’s: 10 years
 5. Wheelchair Accessible Vehicles: 10 years for all new and replaced wheelchair accessible vehicles, effective January 1, 2013; except that vehicles purchased and put into service prior to January 1, 2013 may be used and renewed until they are 15 years old, so long as they remain continuously permitted and in service from the time of purchase.
- 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

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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.
 - 1.** LPT Vehicles. 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.
 - 2.** Taxi Vehicles. Any vehicle
 - a.** which is more than one year old, based on model year, or
 - b.** has 10,000 miles or more on its odometer, or
 - c.** has the “check engine” light illuminated regardless of model year or mileage,must pass a standardized vehicle safety test as performed by an “Approved Mechanic” or an “Approved Blue Seal Shop”. The Approved Mechanic or Approved Blue Seal Shop will then issue to the applicant a “Safety Certificate” stating that the vehicle passed the required safety inspection. A list of 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.

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- J.** Fees. All for-hire companies must pay a nonrefundable application fee for each for-hire vehicle applying for a decal or taxiplat in the amount outlined in the Fee Table in Section 16.40.590.
- K.** The Director is authorized to provide by Administrative Rule a substitute decal or permit card for round trip medical transportation from distant areas for service provided by medical brokerages under contract with the Oregon Health Authority.

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 increase in decaled 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.

(Amended by Ordinance Nos. 185721 and 187092, effective April 21, 2015.)

- 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.
- E. Board review of taxi company requests for additional vehicle permits will include evaluation of taxi company performance standards, as described by administrative rule.
- F. During the period that ends upon the earlier of

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1. the termination of any interim Administrative Rules regarding Transportation Network Companies promulgated by the Bureau Director pursuant to Subsection 16.40.520 J. or,
2. the effective date of any change to Sections 16.40.160 and 16.40.210, hereafter the “Pilot Period” the provisions of this Section and 16.40.050, 16.40.160 and 16.40.580 are suspended and new taxi company and new or additional vehicle permits shall be determined in accordance with the following:
 - a. Administrator Review Process. After receiving a completed taxi company application form or an application for additional vehicle permits for a permitted taxi company 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 Commissioner-in-Charge for approval or denial.
 - b. Approval or Denial. The Commissioner-in-Charge shall direct the Bureau to issue a Taxi Company permit or vehicle permit(s) if the application is approved. If the application is denied, the applicant may appeal the decision to the Code Hearings Officer under the provisions of Chapter 22.10.

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 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.

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- 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.

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.

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- 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.

(Amended by Ordinance No. 187092, effective April 21, 2015.) 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.
- 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.
- D. A minimum fleet of 15 taxicabs.
- E. No disclaimer of liability for negligence or other tortious conduct contained in any taxicab or LPT company user terms of service shall have any force or effect against any user in the City of Portland. Any tort claim against a taxicab or LPT company shall be governed by tort law in effect at the time of the claim.

16.40.280 Taxicab Digital Security Camera Systems.

(Amended by Ordinance No. 187092, effective April 21, 2015.)

- A. Digital security cameras are required in every permitted taxicab or secure digital records with contact information from the passenger must be maintained by the Taxicab company. Taxicab companies own the cameras or digital records 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 or record 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 or record systems.
- E. No taxicab company or driver may benefit or gain from any records produced by digital security camera or record systems.

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- F.** No taxicab driver may tamper with, damage, disturb, remove or disable a digital security camera system in a taxicab or any digital records maintained by the Taxicab Company.
- 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.
- H.** During the period that ends upon the earlier of
 - 1.** the termination of any interim Administrative Rules regarding Transportation Network Companies promulgated by the Bureau Director pursuant to Subsection 16.40.520 J. or,
 - 2.** the effective date of any change to Section 16.40.280, hereafter the “Pilot Period”, a permitted taxicab must maintain either a digital security camera system in accordance with the requirements of this Section, or a secure digital record with passenger name and contact information and driver name and contact information for each trip.

16.40.290 Taxicab Fare Rates.

(Amended by Ordinance Nos. 185722 and 187092, effective April 21, 2015.)

- 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 \$2.60 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.

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- 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.
- H.** During the period that ends upon the earlier of

 - 1.** the termination of any interim Administrative Rules regarding Transportation Network Companies promulgated by the Bureau Director pursuant to Subsection 16.40.520 J. or,
 - 2.** the effective date of any change to Section 16.40.290, hereafter the “Pilot Period”, Subsection 16.40.290 A. regarding Maximum Fare Rates shall be suspended and no maximum fare rate shall apply.

16.40.300 Wheelchair Accessible Taxicabs.

(Amended by Ordinance No. 187092, effective April 21, 2015.)

- A.** At least 10 percent of every taxi company fleet must be wheelchair accessible.

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- B.** Notwithstanding Subsection 16.40.300 A., Companies that do not meet the 10 percent wheelchair accessible requirement may contract with another permitted private for-hire company that does meet the requirement or with another accessible vehicle provider approved by the Bureau in lieu of the requirement in Subsection 16.40.300 A. and taxi companies will implement service performance measures to provide timely and equitable service to persons with disabilities.
- 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 are required to provide wheelchair accessible taxi service within a reasonable time, whether by providing the service or contracting with other service providers that dispatch accessible private for-hire vehicles. It is a rebuttable presumption that any time beyond 30 minutes is unreasonable.
- E.** Any taxi company utilizing an application based dispatch system shall provide passengers an opportunity to indicate whether they require a wheelchair-accessible transportation vehicle.

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.
- 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;

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- 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.

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- 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.

(Amended by Ordinance No. 187049, effective March 12, 2015.)

- 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;
 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

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13. Drive passengers to their destination by any other than the most direct and safe route, unless requested to do so by the passenger.
 14. Operate any for-hire transportation vehicle while using a mobile communications device without a hands-free accessory as defined in ORS 811.507(1).
- 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
 3. Be equipped with two red taillights mounted on the right and left area of the pedicab's rear.

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- 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.

(Amended by Ordinance No. 187092, effective April 21, 2015.)

- A.** No Private For-Hire Driver is allowed to drive after engaging in more than 14 hours of commercial activity in a 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;
 - 2.** Kept in good appearance and good repair;

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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.

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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.

- 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 Restrictions and Reporting.
(Amended by Ordinance No. 185723, effective November 7, 2012.)

- 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.

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- 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.
- D.** All permitted taxi companies must submit to the Director, or his or her designee, a comprehensive accounting of all current payments required from drivers to the taxi company as of October 1, 2012;
- E.** Any payments or fees charged by taxi companies to drivers may not be raised or modified without the review and approval of the Director, or his or her designee, after receiving written application from the taxi company.
- F.** The Director or his or her designee will review the application in accordance with the criteria established in Administrative Rule.

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:

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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.

16.40.450 Limousine, Executive Sedan and Taxi Data Required.

(Amended by Ordinance No. 187092, effective April 21, 2015.)

- A. Limousine, executive sedan and taxi transportation providers must maintain data 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. Each Taxi Company will enter into an agreement with the City to provide aggregate and anonymized data focused on transportation, accessibility and service to help the City improve access to for-hire transportation. Examples of relevant data may include, but not be limited to, the following:
 1. type of ride requested (wheelchair accessible);
 2. trip origin zip code;

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- 3. trip destination zip code; and
 - 4. identification of every request that is unfulfilled.
- D. The data must be kept in a form approved by the Administrator.
- E. The company must retain the data for not less than 1 year after the date of the driver's last entry.
- F. The data must be made available to the Administrator or other designated City staff by the 5th of each month for the previous month's data.
- 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.

(Amended by Ordinance No. 186385, effective December 18, 2013.)

- A. All limousine and executive sedan service must be provided on a prearranged basis. "Prearranged" is defined in administrative rules.
- 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;

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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.
- 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.
(Amended by Ordinance No. 186385, effective December 18, 2013.)

- A.** Maximum flat rates apply for shuttles that provide for-hire transportation service between the airport and Portland’s Downtown Core 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.

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- 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.

(Amended by Ordinance No. 186385, effective December 18, 2013.)

- A.** Minimum flat rates apply for limousine and executive sedans that provide for-hire transportation service between the airport and Portland's Downtown Core 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.** 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.
- 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.
- 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.

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- 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 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.

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- 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.

(Amended by Ordinance Nos. 185498, 187049 and 187092, effective April 21, 2015.)

- A.** The following table outlines the penalties that will be assessed for a violation of the specific code Sections listed. In addition to the civil penalty, and the suspension and revocation provisions in Section 16.40.550, any second offense is grounds for suspension of the permit and any third or subsequent offense is grounds for revocation of the permit.

Code Section	Requirement	1st Offense	2nd Offense	Subsequent Offenses
16.40.070 D.	Fuel Surcharge Sticker	\$50	\$100	\$500
16.40.080 A.	Pedicab Driver Permit	\$500	\$1,000	\$2,500
16.40.090 A.	LPT and Taxi Driver Permit	\$1,000	\$2,500	\$5,000
16.40.100 E.	Business License	\$250	\$500	\$1,000
16.40.130 A.	LPT Company Permit	\$1,500	\$2,500	\$5,000
16.40.150 A.	Taxi Company Permit	\$1,500	\$2,500	\$5,000
16.40.180 A.	Pedicab Decal	\$250	\$500	\$1,000
16.40.190 A.	LPT Decal	\$1,250	\$2,500	\$5,000
16.40.190 B.	Taxiplate	\$1,250	\$2,500	\$5,000
16.40.210 C.	Taxi Conditions	\$1,250	\$2,500	\$5,000
16.40.220 C. - E.	Decal/Taxiplate	\$1,250	\$2,500	\$5,000
16.40.220 F.	Substitute Vehicle	\$1,250	\$2,500	\$5,000
16.40.240 A.	Decal/Taxiplate Interest	\$1,250	\$2,500	\$5,000
16.40.270	Minimum Standards	\$500	\$1,000	\$2,000
16.40.280	Security Camera	\$1,250	\$2,500	\$5,000

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16.40.290 A.	Taxi Fare	\$1,500	\$2,500	\$5,000
16.40.290 D. - F.	Fares	\$500	\$1,000	\$2,500
16.40.300 A.	Wheelchair	\$500	\$1,000	\$2,500
16.40.300 B.	Accessible Service Measures	\$2,500	\$5,000	\$10,000
16.40.310	Taximeter	\$1,250	\$2,500	\$5,000
16.40.320	Required Equipment	\$1,250	\$2,500	\$5,000
16.40.330	Identification	\$1,250	\$2,500	\$5,000
16.40.340	Driver Conduct	\$1,250	\$2,500	\$5,000
16.40.360	Pedicab Requirements	\$200	\$500	Suspension
16.40.370	Maximum Hours	\$1,250	\$2,500	\$5,000
16.40.380 A.-B.	Vehicle Requirements	\$1,250	\$2,500	\$5,000
16.40.380 C.	Vehicle Inspection	\$1,250	\$2,500	\$5,000
16.40.390	SAT ID	\$500	\$1,000	\$2,500
16.40.410 A.-E.	Insurance	\$1,250	\$2,500	\$5,000
16.40.420 A.-E.	Pedicab Insurance	\$1,000	Suspension	Revocation
16.40.430	Financial Data	\$250	\$500	\$1,000
16.40.440	Reports to Administrator	\$1,250	\$2,500	\$5,000
16.40.450 B. - E.	Log Entries	\$500	\$1,000	\$2,500
16.40.450 F.	Log Availability	\$500	\$1,000	\$2,500
16.40.460	Prearranged	\$500	\$1,000	\$2,500
16.40.470	Maximum Fares	\$500	\$1,000	\$2,500
16.40.480	Minimum Fares	\$500	\$1,000	\$2,500
16.40.720	Transportation Network Company Permit Requirements	\$1,500	\$2,500	\$5,000
16.40.730	Transportation Network Driver Permit Requirements	\$1,000	\$2,500	\$5,000
16.40.740	Transportation Network Vehicle Permit Requirements	\$1,500	\$2,500	\$5,000

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- 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 taxiplat after a third offense for the same violation.

16.40.550 Company and Driver Permit Suspension and Revocation.

- A.** Suspension. Any permit, decal or taxiplat 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 taxiplat 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.

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- 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 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.

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- 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.
- 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.

(Amended by Ordinance Nos. 185498 and 187049, effective March 12, 2015.)

- 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.
- C.** In addition to the civil penalties listed in Section 16.40.540, any violation of Subsections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., 16.40.190 B., 16.40.720, 16.40.730 or 16.40.740 is punishable, upon conviction, by imprisonment for not more than 6 months.

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- D.** Vehicles operated for-hire in violation of Subsections 16.40.090 A., 16.40.130 A., 16.40.150 A., 16.40.190 A., 16.40.190 B., 16.40.720, 16.40.730 or 16.40.740 are subject to vehicle towing and impoundment.

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 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:

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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.

16.40.590 Fee Table.

(Amended by Ordinance Nos. 185723 and 187092, effective April 21, 2015.)

- 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 <25 permitted vehicles	\$250	\$1,250	\$500	\$75
Taxi Company 25-50 permitted vehicles	\$250	\$1,250	\$1,000	\$75

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Taxi Company 50-100 permitted vehicles	\$250	\$1,250	\$2,000	\$75
Taxi Company >100 permitted vehicles	\$250	\$1,250	\$3,000	\$75
Pedicab Company	\$100	\$125	\$125	\$75
Taxi Vehicle	N/A	\$225	\$600	\$75
LPT 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.
- D.** During the period that ends upon the earlier of:
1. the termination of any Interim Administrative Rules regarding Transportation Network Companies promulgated by the Bureau Director pursuant to Subsection 16.40.520 J. or,
 2. the effective date of any change to Section 16.40.590 hereafter the “Pilot Period” the provisions for taxi driver ‘initial permit’ fee, taxi driver ‘renewal permit’ fee and taxi driver “application” fee are suspended and the following fees will apply:

PERMIT and APPLICATION FEES				
PERMIT TYPE	APPLICATION (nonrefundable)	INITIAL PERMIT	RENEWAL	REPLACEMENT
Taxi Driver	\$0	\$0	\$0	\$25

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 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.

16.40.620 Horse-Drawn Carriage Driver Permits Required – Application Process and Requirements.

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** Permit Required. No person may operate a horse-drawn carriage without a valid, current horse-drawn carriage driver's permit issued under Chapter 16.40, except that no permit issued pursuant to this chapter is required of a person who is operating a horse-drawn carriage as an entry in a parade or otherwise permitted special event, where the horse-drawn carriage entry is specifically noted and approved in said special event permit, and where the horse-drawn carriage rides are not being offered on-demand or by reservation to members of the general public.

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- B.** Application Documents Required. The failure to submit any required application documents as listed below is grounds for denial of the permit. It is the applicant's responsibility to make certain that the information and forms required have been completed in full, and that there are no errors or omissions. Applicants for a horse-drawn carriage driver's permit must submit to the Administrator the items listed below:
1. A completed application on a form provided by the Administrator;
 2. Proof of current residence address;
 3. Legal proof that the applicant is at least 18 years of age;
 4. A copy of the applicant's current motor vehicle driver's license, if any;
 5. A copy of the applicant's non-Oregon driving record, if any, for any year in which the applicant was not a resident of Oregon during the last 10 years, regardless of the jurisdiction;
 6. Disclosure of all applicable criminal history and driving and motor vehicle record history, as listed on the application form;
 7. Certification of a horse-drawn driver training program approved by the Administrator;
 8. Confirmation that the driver will be employed for a horse-drawn carriage company with current and valid horse-drawn carriage company and vehicle permits.
 9. If necessary, any information requested by the Administrator that reasonably relates to the application or is a clarification of information provided.
- C.** Photographs. The applicant will be photographed by the Bureau after submission of the driver permit application. The photograph then becomes a part of the applicant's submittal package.
- D.** Fees Required. The applicant for a horse-drawn carriage driver's permit must submit an initial permit fee of \$25, and \$25 per year renewal fee.
- E.** Disqualifying Factors. The following disqualifying factors are grounds for denial of a horse-drawn carriage driver's permit:

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1. The applicant has a felony conviction of any kind within the 10 years preceding the application and permit processing;
2. The applicant has a felony charge pending;
3. The applicant has a felony conviction involving physical harm or attempted physical harm to a person, regardless of when the conviction occurred;
4. The applicant has a felony charge pending involving physical harm or attempted physical harm to a person;
5. The applicant has been convicted of any criminal offense involving animal cruelty or neglect, regardless of when the conviction occurred;
6. During the 5-year period preceding the application and permit processing, the applicant has been convicted of a criminal offense involving:
 - a. any misdemeanor involving theft, identity 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;
7. During the 5-year period preceding the application and permit processing, the applicant had 10 or more traffic infractions as defined in ORS 801.557; or three or more serious traffic violations as defined in ORS 801.477; or three or more motor vehicle accidents required to be reported to the Oregon Department of Motor Vehicles pursuant to ORS 811.720; or, three or more of any combination of serious traffic violations or motor vehicle accidents as provided above;
8. During the 10-year period preceding the application and permit processing, the applicant had five or more serious traffic violations as defined in ORS 801.477; or the applicant's driving privileges were limited, suspended, or revoked by any governing jurisdiction as a result of a driving-related incident;
9. The applicant has more than two traffic infractions or violations of any kind within the previous 12 months from the date of the application;
10. The applicant has a current Oregon Department of Motor Vehicles license restriction, suspension or revocation;

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11. The applicant is less than 18 years old;
 12. Upon review of the applicants criminal and motor vehicle background check, and other information deemed pertinent to the application, the administrator determines that information contained in the application is false or incomplete; or
 13. Review of the applicant's traffic and criminal record, and other information the supervisor deems pertinent, is reasonable grounds for the determination that the public safety would not be served by the issuance of a driver's permit to the applicant.
- F.** Driver Safety and Customer Service Training Requirements. The applicant must provide documentation of successful completion of Bureau-approved horse-drawn carriage driver training prior to issuance of a horse-drawn driver's permit.
- G.** Driver Knowledge and Skills Testing Requirements. The applicant must successfully complete each of the following tests as administered by the Bureau or its designee before a permit can be issued:
1. Basic carriage horse care;
 2. Demonstrate ability to operate and control a horse-drawn carriage;
 3. Relevant City Code provisions and Administrative Rules.

16.40.630 Horse-Drawn Carriage Company Permits Required – Application Process and Requirements.

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** Permit Required. No person or entity may operate a for-hire horse-drawn carriage company without a valid, current horse-drawn carriage company permit issued by the City under Chapter 16.40.
- B.** Each horse-drawn carriage company permit application must satisfy the requirements of Section 16.40.130 LPT Company Permits Required.
- C.** Applicants must provide the physical location (address) of each stable or other facility used to house the carriage horses. Each facility must be available for inspection during normal hours of operation by the Administrator or designee.

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- D.** Applicants for a horse-drawn carriage company permit must obtain certification for each carriage horse to be used in the operation of the permitted carriages. Application requirements for carriage horse certification are:
- 1.** A description of the horse's name, age, breed, gender;
 - 2.** A photograph and physical description of the horse, to include color, markings or other identifying marks, such as brands or tattoos, or any other identifiers, such as microchips;
 - 3.** Certification of examination (Health Certificate) by an equine veterinarian within thirty day days prior to the application for a permit that the horse is able to perform the work described (in the horse-drawn carriage company application) without undue stress or effort.
 - 4.** Additional veterinary certification requirements are provided in Administrative Rule.
- E.** Insurance Certificate. All horse-drawn carriage applicants must provide the Bureau with an insurance certificate of liability and an additional insured endorsement indicating that the requirements of Section 16.40.650 have been satisfied.
- F.** Applicants must provide to the Administrator a description of the types, dates and time range, length and location of horse-drawn carriage rides offered; and
- G.** Applicants must provide to the Administrator a schedule of rates and charges. An updated schedule must be provided to the Administrator when the rates are changed during the course of the permit.
- H.** Horse-drawn carriage company permit fees are: \$100 nonrefundable application fee, to be paid at the time of permit application; \$125 for initial one year permit, and \$125 per year annual permit renewal.

16.40.640 Horse-Drawn Carriage Permit and Plate Required – Application Process and Requirements.

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** Permit and Decal or Plate Required for Horse-Drawn Carriages. No horse-drawn carriage may be used as a for-hire transportation vehicle without a valid and current permit and a valid and current, unobstructed plate issued by the City under Chapter 16.40. Applicants for a carriage vehicle permit and carriage plate must be the owner

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of the carriage. Carriage permits will only be issued to an owner who has obtained a horse-drawn carriage company permit.

- B.** Application Form. The applicant for a horse-drawn carriage permit must complete a “Horse-Drawn Carriage Application” in the form required by the Administrator, which includes, but is not limited to, the following required information:
 - 1.** Carriage make, model and manufacturer;
 - 2.** Seating capacity and weight limits;
 - 3.** A photograph of each carriage to be registered;
 - 4.** If necessary, any information that reasonably relates to the application or is a clarification of information provided to the Administrator.
- C.** Safety Inspection. The Board has the authority, by Administrative Rule, to require that a horse-drawn carriage operator demonstrate by inspection that all safety standards are met prior to a permit plate or decal being issued.
- D.** Horse-Drawn Carriage Condition. No horse-drawn carriage will be issued a plate or decal if the Administrator determines that the carriage is not clean and in good repair, with all required equipment in sound operating condition.
- E.** Horse-Drawn Carriage Equipment: Specific equipment requirements are provided by Administrative Rule.
- F.** Each horse-drawn carriage shall be made available for inspection at the request of the Administrator or his designee.
- G.** Fees. Horse-drawn carriage companies must pay a \$25 initial and annual renewal fee for each horse-drawn carriage vehicle permit and plate.

16.40.650 Horse-Drawn Carriage Insurance Requirements.

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** Coverage and Limits: All horse-drawn carriage 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 \$1,000,000 per Occurrence and \$2,000,000 Aggregate for covered

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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 horse-drawn carriage 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. Additional insurance policy requirements are provided in Administrative Rule.
- C.** Permit Holder's Insurance Obligations. All horse-drawn carriage 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 16.40.650 A. through 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.

16.40.660 Horse-Drawn Carriage Temperature, Time and Place Restrictions.

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** No horse-drawn carriage may operate between the hours of 6 a.m. and 10 a.m. or between the hours of 3 p.m. and 6 p.m. except on Saturdays, Sundays and City holidays, unless an exemption from this restriction is granted by the Administrator.

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- B.** No horse-drawn carriage may operate when the outdoor temperature is greater than 90 degrees Fahrenheit.
- C.** No horse-drawn carriage may operate when the outdoor temperature/humidity exceeds the Carriage Operators of North America (CONA) standards.
- D.** No horse-drawn carriage may operate in the presence of weather conditions that make horse-drawn carriage travel unsafe.
- E.** Should any condition or combination of conditions in Subsections 16.40.660 B. through D. occur, the horse-drawn carriage driver will remove the horse from the street to a safe location, provide appropriate rest and shade or shelter, and will return the horse to its stable or usual boarding facility, by the least-strenuous and shortest safe route possible.
- F.** No horse-drawn carriage may operate on a street that does not have a posted speed limit of 35 mph or less.
- G.** No horse-drawn carriage may operate along a street with MAX or street car tracks. Upon written request, permission may be granted by the Administrator, to allow brief access or crossing of streets with MAX or streetcar tracks in order to provide access to particular locations. The Administrator may provide a list of excepted circumstances and locations in Administrative Rule.
- H.** The Administrator or his designee, who observes a horse-drawn carriage operating in adverse weather or other dangerous conditions creating a threat to the health and safety of the horse, passengers, or to the general public, may order the ride discontinued and the horse returned to its boarding facility by the least-strenuous and shortest safe route possible.

16.40.670 Operation of Horse-Drawn Carriages: Requirements and Prohibitions.

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** The company and carriage permit holder is responsible to ensure that all drivers operating have a current and valid City horse-drawn carriage driver permit, and that all drivers operate in compliance with the requirements of this Chapter. Penalties may be issued to both company and driver for violations of operating requirements.
- B.** Each horse-drawn carriage must maintain unobstructed the City horse-drawn carriage permit plate in the location and manner prescribed in Administrative rule.

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- C.** Each horse-drawn carriage driver must carry his horse-drawn carriage driver permit when operating a horse-drawn carriage, and present the permit for inspection when requested by the Administrator or his designee.
- D.** Each horse-drawn carriage and horse-drawn carriage operator shall comply with all other requirements of State, federal and local law.
- E.** No horse-drawn carriage driver shall permit other persons to operate the carriage under his control at any time under any circumstances.
- F.** No driver shall operate a horse-drawn carriage at a weight or capacity in excess of the manufacturer's recommendation for that carriage;
- G.** No driver shall operate a horse-drawn carriage when the combined weight of the carriage and passengers exceeds the weight of the horse;
- H.** Horse-drawn carriages and equipment must be available for inspection immediately upon request by the Administrator or his designee.
- I.** A copy of the Health Certificate for the working carriage horse, as described in Subsection 16.40.630 D., shall be in the custody of the company owner at all times. The driver will keep a copy of this Certificate in any operating carriage, and make said Certificate immediately available for inspection upon request by the Administrator or his designee.
- J.** No horse-drawn carriage driver shall leave a horse untethered or unattended except when confined to a stable or other safe enclosure.
- K.** Each driver operating a horse-drawn carriage shall maintain the horse at a speed no faster than a walk or slow trot.
- L.** Waste catchers must be in place and functioning properly at all times. It shall be the responsibility of the horse-drawn carriage operator to clean up any spillage.
- M.** The operator of a horse-drawn carriage must comply with the orders of the Administrator or his designee, or any police officer, parking enforcement officer, or animal control officer regarding the operation of the carriage. Failure to comply with these directions is grounds for revocation of the horse-drawn carriage driver's permit and the horse-drawn carriage vehicle and company permits.

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16.40.680 Care of Carriage Horses.

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** Horse-drawn carriage rides must not be initiated nor continued when the ambient temperature is greater than 90 degrees Fahrenheit, or when the combination of temperature and humidity exceeds current Carriage Operators of North America (CONA) standards.
- B.** When the temperature exceeds 90 degrees Fahrenheit, or the combination of temperature and humidity exceeds current CONA standards, the carriage driver will end the ride and return the horse to the home boarding facility or pasture by the least-strenuous and shortest safe route possible, providing rest and shelter as required.
- C.** When the temperature is between 84 and 90 degrees Fahrenheit, no carriage ride will be initiated if the local weather forecast predicts temperatures to rise over 90 degrees Fahrenheit during the time for which the ride is scheduled, or within the time allowed for the trip back to the boarding facility.
- D.** When conducting horse-drawn carriage rides when the temperature is between 78 and 90 degrees Fahrenheit, the driver will monitor respiratory rate, heart rate and temperature of the horse every hour. Horses exceeding the following resting parameters should immediately undergo cooling measures, then be brought to the stable for rest, and not worked for the remainder of that day:
 - 1.** Respiratory rate > 36 breaths per minute after 1 minute;
 - 2.** Temperature > 103 degrees;
 - 3.** Heart rate > 52 beats per minute after 1 minute recovery time.
- E.** Horses must be provided with a blanket for dryness and warmth when appropriate.
- F.** Owners, operators and drivers of a horse-drawn carriage will monitor the condition of each horse and will not allow a horse to work when there are signs of exhaustion, dehydration, sickness, disease, injury or severe stress.
- G.** No stallions, no mares with unweaned foals, and no pregnant mares at gestation greater than 9 months shall be used as carriage horses.
- H.** The towing weight of the horse-drawn carriage may not exceed the weight of the horse.

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- I.** Tie ropes used around the neck or attaching to the halter shall be carried on all horse-drawn carriages. No horse shall be tied using the bridle, bit or reins.
- J.** No animal shall work pulling a horse-drawn carriage for more than 5 hours in a 24 hour period, nor more than 5 days in any given week.
- K.** Each horse will be given at least a 10 minute rest period at the end of each hour of work. The horse must be provided ready access to clean drinking water during each break, and must be allowed at reasonable intervals to consume food and water during the workday.
- L.** Stables or other boarding facilities must be sanitary. Stables and stalls must be in good repair, well-ventilated, and free of hazards and debris.
- M.** Horses must be turned out for at least one hour per day. Adequate turn-out facilities include dry paddocks, runs, or pastures of dimensions equal to or greater than 12 feet by 24 feet.

16.40.690 Horse-Drawn Carriage Regulations.

(Added by Ordinance No. 184361, effective February 11, 2011.) Unless the context clearly requires otherwise or unless the regulations and requirements are more stringent than those found in Sections 16.40.620 through 16.40.700, horse-drawn carriage drivers, companies, and vehicles are subject to the regulations and requirements found in this Chapter.

16.40.700 Horse-Drawn Carriage Penalties.

(Added by Ordinance No. 184361, effective February 11, 2011.)

- A.** For violation of the regulations and requirements in Sections 16.40.620 through 16.40.690, the penalties are \$250 for the first occurrence, \$500 for the second occurrence, and \$1,000 and permit suspension for the third occurrence.
- B.** Three or more violations within one year are grounds for permanent revocation of horse-drawn carriage driver, vehicle and company permits.

16.40.710 Paid Passenger Referrals Prohibited.

(Added by Ordinance No. 185720, effective November 7, 2012.)

- A.** All private for-hire transportation drivers are prohibited from providing payment to hotel staff, dispatchers, or any other person for referral of a passenger or passengers. The penalties for violation of Subsection 16.40.710 A. are as follows: \$1,500 for the first offense; \$2,000 and 10-day driver permit suspension for the second offense; and \$2,500 and driver permit revocation for the third offense.

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- B.** It is prohibited for any person to solicit or accept payment for referral of a passenger to a motor vehicle for hire, or for any person or business, firm, association or corporation to act in concert with or on behalf of another person or persons to solicit or accept payments for the referral of passengers to a motor vehicle for hire. This prohibition does not include payment for legitimate advertising placement, such as placement of flyers or posters, or legitimate commissions provided by tour companies that do not operate on demand. Advertising or commission payments exempted herein must be documented, and said documentation must be provided to the Administrator when requested. The penalties for violation of Subsection 16.40.710 B. are as follows: \$1,500 for the first offense; \$2,500 for the second offense; and \$3,500 for the third and each subsequent offense.
- C.** It is prohibited for any person to solicit or accept gifts and/or gratuities or anything of value from any holder of a City of Portland company, vehicle or driver permit, except as authorized in this Chapter, in return for any dispatch call, assignment, vehicle or shift. The penalties for violation of Subsection 16.40.710 C. are as follows: \$1,500 for the first offense; \$2,500 for the second offense; and \$3,500 for the third and each subsequent offense.
- D.** If a limousine, executive sedan, taxicab, shuttle or other for-hire vehicle is in a marked hotel zone or loading/unloading zone, it is a rebuttable presumption that it is parked there to provide private for-hire transportation services that require a log book entry. Taxis, shuttles, executive sedans and limousines parked in a hotel zone must provide properly documented log book entry when requested by the Administrator. The penalties for violation of Subsection 16.40.710 D. are as follows: \$500 for the first offense; \$1,000 for the second offense; \$2,500 and suspension for the third and subsequent offenses.
- E.** Other than for drop off, for-hire vehicles may not park in the hotel zone without a reservation or request for service. Per Section 16.40.460 limousine and executive sedan service must be prearranged. The penalties for violation of Subsection 16.40.710 E. are as follows: \$500 for the first offense; \$1,000 for the second offense; and \$2,500 and suspension for the third and subsequent offenses.
- F.** Taxicabs may not park in the hotel zone or loading/unloading zone prior to 15 minutes before pick up for a dispatch or request for service. The dispatched call/request for service must be documented in the required log format, and available for review by any authorized enforcement officer inspecting logs in the field. The penalties for violation of Subsection 16.40.710 F. are as follows: \$500 for the first offense; \$1,000 for the second offense; and \$1,000 and driver permit suspension for the third offense.

16.40.720 Transportation Network Company Permit Requirements.

(Added by Ordinance No. 187049, effective March 12, 2015.) No person or entity may conduct business as a Transportation Network Company in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.540 and 16.40.560.

16.40.730 Transportation Network Driver Permit Requirements.

(Added by Ordinance No. 187049, effective March 12, 2015.) No person or entity may conduct business as a Transportation Network Driver in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.540 and 16.40.560.

16.40.740 Transportation Network Vehicle Permit Requirements.

(Added by Ordinance No. 187049, effective March 12, 2015.) No person or entity may operate a for-hire Transportation Network Vehicle in the City of Portland without a valid, current permit issued by the City under Chapter 16.40. Failure to comply with this section shall be a violation subject to the penalties provided in Sections 16.40.540 and 16.40.560.

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Chapter 16.48

TAXICAB REGULATIONS

(Chapter added by Ordinance No. 139316; Replaced by Ordinance No. 147243;
Repealed by Ordinance No. 165189; Reinstated by Ordinance No. 165522,
and repealed by Ordinance No. 165947, effective October 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;
- 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

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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.

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- 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 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.

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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.
- 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.

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- 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

(Chapter 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 Testing

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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

(Chapter added by Ordinance No. 176022,
effective November 16, 2001.)

Section:

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.
16.70.730	Signs.

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- 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 Ordinance No. 165594, effective July 8, 1992.) No person may:

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- 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
 - 2.** It is an immediate threat to the public welfare.

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- 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. 185596, effective September 5, 2012.)

- 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.
- 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
 - 1.** SW 5th or 6th Avenues between SW Lincoln and Burnside; and on
 - 2.** NW 5th or 6th Avenues between Burnside and Union Station.
- C.** 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 between the hours of 10 p.m. and 7 a.m. on
 - 1.** SW Fairview Boulevard between SW Knights Boulevard and SW Kingston Avenue;

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2. SW Kingston Avenue between SW Tichner Drive and the Washington Park entrance;
 3. SW Tichner Drive between SW Kingston Avenue and SW Marconi Avenue;
 4. SW Marconi Avenue;
 5. SW Park Place between SW Marconi Avenue and SW Wright Avenue;
 6. SW Lafayette Place;
 7. SW Hampshire Street between SW Lafayette Place and SW Champlain Drive;
 8. SW Champlain Drive between SW Hampshire Street and SW Rutland Terrace;
 9. SW Rutland Terrace; and
 10. West Burnside Street from Skyline Boulevard to SW Vista Avenue.
- D.** 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 while attached in any manner to any motor vehicle on the roadway. In addition, a person shall not knowingly drive a motor vehicle that is towing a person riding same.
- E.** All persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must while on a public street, traveling at less than the speed limit of the roadway shall yield to vehicles approaching from the rear by moving to the right curb or shoulder of the street.
- F.** During limited visibility conditions and between the hours of sunset and sunrise, all persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power 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.
- G.** During limited visibility conditions and between the hours of sunset and sunrise, all persons using roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power must be equipped with and use lighting equipment that has a red reflector or lighting device or material of

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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.

- H.** The penalty for failing to follow the rules of Subsections A. - G. shall be a minimum fine of \$115.
- I.** 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.
- J.** Except for those provisions by their very nature can have no application, this subsection adopts the Oregon Motor Vehicle Code's rules of the road for vehicle drivers to regulate the use of roller skates, including in-line skates, skateboards, scooters, or other similar devices powered exclusively by human power upon a public highway in the City. Riders of such devices are subject to the provisions applicable to, and have the same rights and duties provided any driver of a vehicle by the Oregon Vehicle Code concerning operating on highways except when otherwise specifically provided in this Code.
 - 1.** The penalty for failing to follow the rules of the road incorporated by Subsection J. shall be a fine of \$250.
 - a.** First time offenders of this Code are eligible to participate in Share the Road or similar program in lieu of the fine.
- K.** This Section does not apply to bicycles as defined by Section 16.90.025 of this Code.

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 Ordinance No. 165987, November 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.

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:

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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 Ordinance No. 165594, effective 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.
- 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.

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- 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 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.

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- 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.

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.

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- 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
 - 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:

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- 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
 - 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.

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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 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.

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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.

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:

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- 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, 183397, 184522, 185448 and 186053, effective January 1, 2015.)

- A.** It is the responsibility of the owner or occupant of any property to prevent any vegetation including trees 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 tree removal or pruning required by this Title shall be done in accordance with the provisions of Title 11, including the need to obtain tree permits for removal and pruning.
- 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 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.
- F.** Whenever the provisions of this section conflict with those of any other section of this code, including but not limited to Titles 11, 16, 17 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;
 - 7.** Failure to signal;
 - 8.** Violation of maximum speed limit in an urban area; or

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- 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.

Chapter 16.90

DEFINITIONS

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16.90.010	Accessory Recreational Vehicle.
16.90.015	Alley.
16.90.020	Angle Loading.
16.90.025	Bicycle.
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16.90.036	Bikeway, Extra Width Curb Lane.
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16.90.370	Traffic Congestion Thoroughfare.
16.90.375	Traffic Control Device.
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16.90.430	Vehicle Alarm System.
16.90.435	Vendor.
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16.90.445	Wheelchair User Disabled Permit/Placard.

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.

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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 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;

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- 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.
- 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.).

16.90.097 Disabled Person Permit/Placard.

(Added by Ordinance No. 186575, effective July 1, 2014.) Any official State-issued disabled person registration plate, placard, permit or decal, including: Regular, Program, Family, Motorcycle, Golf Cart or any other placard not issued specifically for “Wheelchair Only”.

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;

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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 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.

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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.

TITLE 16
VEHICLES AND TRAFFIC

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.

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.

TITLE 16

VEHICLES AND TRAFFIC

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:

- 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.

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.

TITLE 16

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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.

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.

TITLE 16
VEHICLES AND TRAFFIC

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.

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.

TITLE 16

VEHICLES AND TRAFFIC

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.

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.

16.90.445 Wheelchair User Disabled Permit/Placard.

(Added by Ordinance No. 186575, effective July 1, 2014.) Any official State-issued disabled person registration plate, placard, permit or decal specifically for the use of a wheelchair or similar low-powered, motorized or mechanically propelled vehicle designed specifically for use by a person with a physical disability.

FIGURE 6 - Chapter 17.102

(Replaced by Ordinance No. 187142
effective July 1, 2015.)

Residential Solid Waste and Recycling Rates

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.

"Small multiplex" refers to any multidwelling building or a combination of buildings on a single tax lot in the residential franchise territory that contains 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.

Residential Curbside Collection Service Rates and Charges				
Single Family Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Standard Service - Service includes weekly collection of composting & recycling, every-other-week garbage				
20-gallon Can*	24.75		1.70	0.55
32-gallon Can*	28.55		1.70	0.55
20-gallon Rollcart	24.75			
35-gallon Rollcart	29.35			
60-gallon Rollcart	35.65			
90-gallon Rollcart	42.05			
1.0 Cubic Yard Container	85.65			
1.5 Cubic Yard Container	118.25			
2.0 Cubic Yard Container	150.75			
Every-four-weeks Service - Service includes weekly collection of composting & recycling, every-four-weeks garbage				
32-gallon Can*	21.75		0.85	0.30
35-gallon Rollcart	21.75			

* Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

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Single Family Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Special Services				
Recycling Only, Weekly Collection	8.55			
Composting & Recycling Only, Weekly Collection	18.20			
On Call Yard Debris Collection (32 gallon Can, Bag or Bundle--Yard Debris Only)		7.05		
On Call Garbage (32-Gallon Can or Bag)		9.20	0.85	0.30
Yard Debris, Extra Can, Bag or Bundle-- <i>Yard Debris Only</i>		3.75		
Garbage, Extra Can or Bag		5.00	0.85	0.30
Courtesy Callback (Garbage or Composting)		7.95		
Rollcart Delivery**		12.00		
Extra Composting Rollcart	11.40			
Extra Recycling Rollcart	3.55			
Multiple Cans/Rollcarts- Service includes weekly collection of composting & recycling, every-other-week garbage				
32-Gallon Cans, Two*	38.90		3.40	1.10
32-Gallon Cans, Three*	44.95		5.10	1.65
32-Gallon Cans, Four*	49.45		6.80	2.20
20-Gallon Rollcart, Two	30.90			
20-Gallon Rollcart, Three	38.25			
20-Gallon Rollcart, Four	44.05			
35-Gallon Rollcart, Two	38.85			
35-Gallon Rollcart, Three	46.75			
35-Gallon Rollcart, Four	54.65			
60-Gallon Rollcart, Two	47.25			
60-Gallon Rollcart, Three	57.00			
60-Gallon Rollcart, Four	67.25			
90-Gallon Rollcart, Two	55.00			
90-Gallon Rollcart, Three	66.80			
90-Gallon Rollcart, Four	80.15			

*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

**Rollcart delivery fees may be charged in the following scenarios:

1. For composting and recycling, if it is the customer's second (or greater) rollcart delivery.
2. For garbage, if it is the customer's second (or greater) rollcart delivery within a one year period.
3. Any time the customer requests a clean rollcart.

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PUBLIC IMPROVEMENTS

Service Level	Monthly Rate Curbside Pickup	Per Unit or Per Pickup	Non-Curb Surcharge	Excess Distance
Clean-Up Containers				
One 1.0 Cubic Yard		85.50		
One 1.5 Cubic Yard		93.85		
One 2.0 Cubic Yard		102.10		
Terrain Differential				
Every-Other-Week Garbage (Single Can/Rollcart)	4.20			
Every-Other-Week Garbage (Multiple Cans/Rollcarts)	4.35			
Every-Four-Weeks Garbage	2.60			
Recycling Only	1.60			
Composting & Recycling Only	2.75			
32-Gallon Can Garbage On-Call	0.75			
On Call Yard Debris Collection (32 gallon Can, Bag, or Bundle –Yard Debris Only	0.50			

TITLE 17
PUBLIC IMPROVEMENTS

**Curbside Collection Service Rates and Charges
for Small Multiplexes**

Weekly Composting & Recycling, Every-Other-Week Garbage			
Collection for:	Duplex	Tri-Plex	Four-Plex
Single Container Service, where rollcart / container is shared by residents of 2, 3 or 4 units			
One shared 60-Gallon Rollcart	39.40	46.55	N / A
One shared 90-Gallon Rollcart	43.10	50.25	57.40
One shared 1.0 Cubic Yard Container	66.80	73.95	81.10
One shared 1.5 Cubic Yard Container	83.90	91.05	98.20
One shared 2.0 Cubic Yard Container	100.85	108.00	115.15
Multiple Containers, where all cans / rollcarts are placed together in a single location at curbside for pickup. Where unshared cans / rollcarts are located separately at curbside for pickup then each is considered a separate account, charged at single-family rate.			
Two 32-Gallon Cans*	39.65	46.80	N / A
Three 32-Gallon Cans*	43.60	50.75	57.90
Four 32-Gallon Cans*	47.60	54.75	61.90
Two 20-Gallon Rollcarts	38.05	N / A	N / A
Three 20-Gallon Rollcarts	41.20	48.35	N / A
Four 20-Gallon Rollcarts	44.35	51.50	58.65
Two 35-Gallon Rollcarts	41.25	48.40	55.55
Three 35-Gallon Rollcarts	46.00	53.15	60.30
Four 35-Gallon Rollcarts	50.80	57.95	65.10
Two 60-Gallon Rollcarts	47.10	54.25	61.40
Three 60-Gallon Rollcarts	54.75	61.90	69.05
Four 60-Gallon Rollcarts	62.45	69.60	76.75
Two 90-Gallon Rollcarts	54.40	61.55	68.70
Three 90-Gallon Rollcarts	65.75	72.90	80.05
Four 90 Gallon Rollcarts	77.10	84.25	91.40

--N/A services are not available.

--Non-curbside service is available at small multiplexes for garbage cans and rollcarts at an additional monthly charge of \$1.70 per can and \$3.50 per rollcart. Excess distance charge for a can is \$0.55. Excess distance charge for a rollcart is \$1.15.

--For composting services, extra cans, bags, or bundles of yard debris only are \$3.75 each and accrue on a per account, rather than per unit, basis.

--Recycling labor surcharge is \$7.15 per additional dwelling unit.

*Customer-provided garbage cans are being phased out and these service levels are generally not available. Customers currently providing their own garbage cans are grandfathered in.

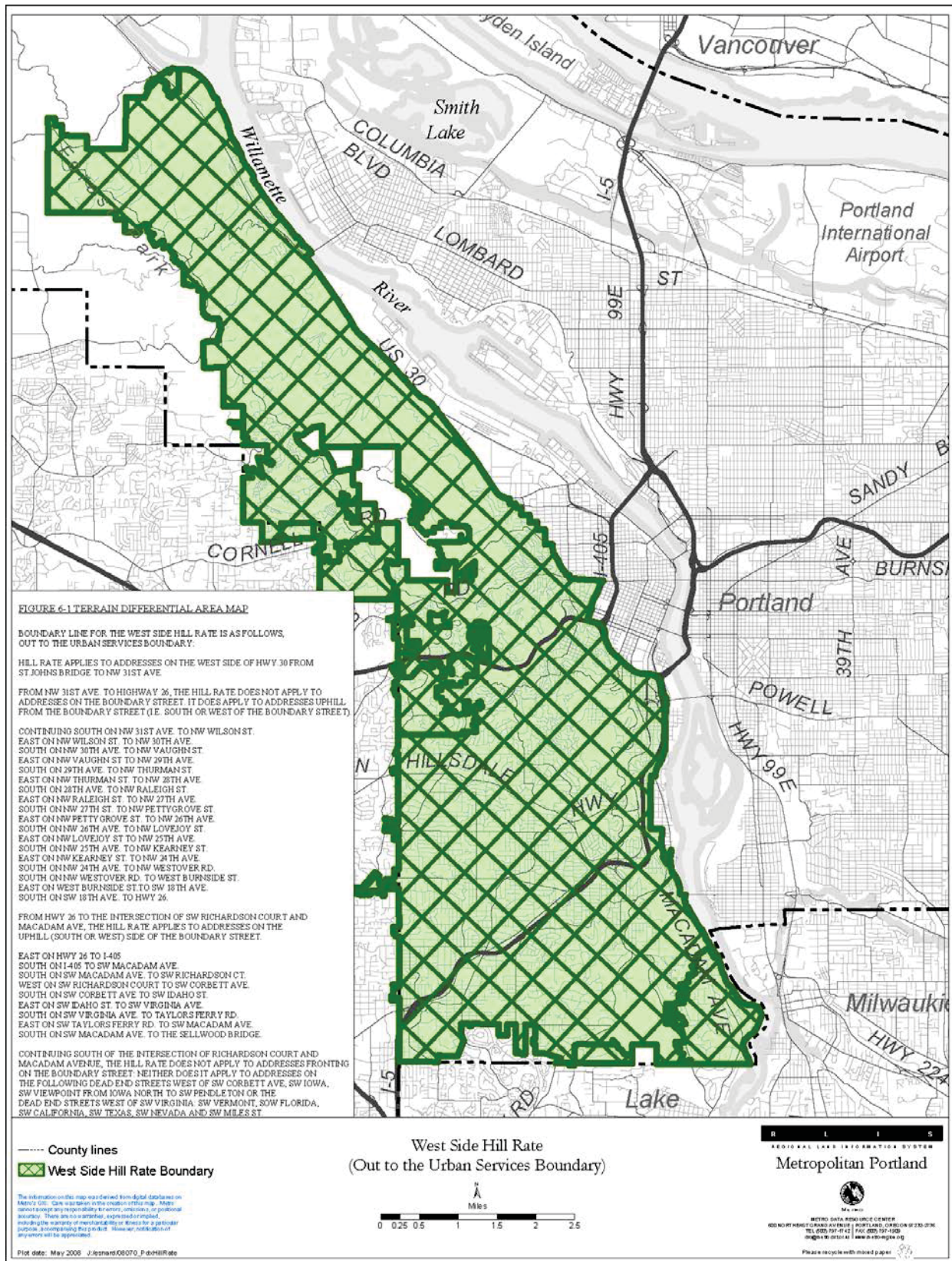


Figure 6 – Page 5

TITLE 18
NOISE CONTROL

Chapter 18.02

TITLE

Sections:

- 18.02.010 Title.
- 18.02.020 Policy Statement.

18.02.010 Title.

(Amended by Ordinance No. 171455, effective August 29, 1997.) This Title shall be known as “Noise Control.”

18.02.020 Policy Statement.

(Added by Ordinance No. 175772, effective August 1, 2001.) It is the intent of the City Council to minimize the exposure of citizens to the potential negative physiological and psychological effects of excessive noise and protect, promote and preserve the public health, safety and welfare. It is the intent of the City Council to control the level of noise in a manner that promotes the use, value, and enjoyment of property, conduct of business, sleep and repose and reduces unnecessary and excessive sound in the environment.

Chapter 18.03

NUISANCE ABATEMENT

(Chapter repealed by Ordinance No. 171455,
effective August 29, 1997.)

TITLE 18
NOISE CONTROL

Chapter 18.04

STANDARDS AND DEFINITIONS

Sections:

- 18.04.010 Terminology and Standards.
18.04.020 Measurement of Sound.
18.04.040 Definitions.

18.04.010 Terminology and Standards.

All terminology used in this Title not defined below shall be in accordance with applicable publications of the American National Standards Institute (ANSI) in effect on the effective date of this Title.

18.04.020 Measurement of Sound.

(Amended by Ordinance Nos. 159276 and 175772, effective August 1, 2001.)

- A.** If measurements are made with a sound level meter, the meter shall be an instrument in good operating condition, meeting the requirements of a Type I or Type II meter, as specified by ANSI Standard 1.4-1971. For purposes of this Title, a sound level meter shall contain at least an A-weighted scale, and both fast and slow meter response capacity.
- B.** If measurements are made with other instruments, the procedure shall be carried out in such a manner that the overall accuracy shall be at least that called for ANSI standard 1.4-1971 for Type II instruments.
- C.** When the location or distance prescribed in this Title for measurement of sound is impractical or would provide misleading or inaccurate results, measurements may be taken at other locations or distances using appropriate correction factors specified in this Title or in other rules promulgated by the Noise Control Officer.
- D.** Procedures and tests required by this Title and not specified herein, shall be placed on file with the City Auditor.
- E.** For purposes of determining compliance with the measurable sound level requirements found in the Portland City Code, approved sound level meters shall utilize a Fast meter response setting. Slow sound level meter settings shall not be used for the purpose of determining compliance with the Portland City Code, unless directed by the Noise Control Officer.

18.04.040 Definitions.

(Amended by Ordinance Nos. 159276, 164010, 175772 and 184101, effective October 8, 2010.) The following words shall have the meanings ascribed to them in this Section:

- A.** A-scale (dBA): The sound level in decibels measured using the A-weighting network as specified in ANSI S 1.4-1971 for sound level meters.
- B.** Ambient noise: The all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources, near and far.
- C.** City: The City of Portland, Oregon, or the area within the territorial City limits of the City of Portland, Oregon, and such territory outside of this City over which the City has jurisdiction or control by virtue of ownership or any constitutional or Charter provisions, or any law.
- D.** Construction: Any and all activity necessary or incidental to the erection, demolition, assembling, altering, installing, repair or equipping of buildings, roadways, or utilities, including land clearing, grading, excavating and filling.
- E.** Decibel (dB): A unit of measure of sound (See sound pressure level).
- F.** Dwelling unit: A building or portion thereof intended for and regularly used for residential occupancy.
- G.** Dynamic braking device: A device, used primarily on trucks and buses to convert the motor from an internal combustion engine to an air compressor for the purpose of vehicle braking without the use of wheel brakes.
- H.** Emergency work: Work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from imminent exposure to danger.
- I.** Frequency: The time of repetition of a periodic phenomenon, measured in Hertz (Hz) (formerly cps or cycles per second).
- J.** High noise impact events: Events or activities which are attended by at least 250 people, and which may reasonably be assumed to cause increases of 15 dBA or more in the ambient noise level of a residential or commercial use area.
- K.** Impulse sound: A single pressure peak or a single burst (multiple pressure peaks) for a duration of not more than one second as measured on a peak unweighted sound pressure measuring instrument, as specified in ANSI S1.4-1971.

TITLE 18

NOISE CONTROL

- L.** Legal holidays: The days on which New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas day are fixed by State law.
- M.** Lot: Any area, tract or parcel of land owned by or under the lawful control of one distinct ownership. Abutting "platted lots" under the same ownership shall be considered a "lot." The lot line or boundary is an imaginary line at ground level which separates a lot and its vertical extension owned by one person from that owned by another.
- N.** Motor vehicle: Any land vehicle which is, or is designed to be, self-propelled or is designed or used for transporting persons or property.
- O.** Motor vehicle racing: Any motor vehicular activity conducted at a recognized auto racing facility, involving motor vehicles participating in, but not limited to practice, qualifying and racing sessions, tests, training, and all other competitive and non-competitive displays, whether by individual vehicles, or by groups of vehicles.
- P.** Narrow band sound: A sound whose frequencies occupy an octave band or less.
- Q.** Noise disturbance: Any sound which: a) injures or endangers the safety or health of humans; or b) annoys or disturbs a reasonable person of normal sensitivities.
- R.** Noise Sensitive Receiver: A person receiving noise at any residential use or dwelling place, schools, churches, hospitals and libraries.
- S.** Nonconforming use: A use of structure, building or land which was established as a permitted use and which has been lawfully continued pursuant to Title 33 of this Code, but which is not a permitted use in the zone in which it is now located.
- T.** Octave band: An interval in Hertz between two frequencies having a ratio of 2:1. For purposes of this Title, octave band sound pressure levels shall be measured at any of the following center frequencies: 31.5, 63, 125, 250, 500, 1,000, 2,000, 4,000 and 8,000 Hz.
- U.** Offroad vehicle: Any motor vehicle operated off a public right-of-way.
- V.** Person: Any individual, association, partnership, or corporation including any officer, department, bureau, agency or instrumentality of the United States, a state or any political subdivision of that state, including the City of Portland.

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NOISE CONTROL

- W.** Physical characteristics of sound: A descriptive term, encompassing the steady, impulsive or narrow band property of the sound, the level of the sound, and the extent to which it exceeds the background sound level.
- X.** Plainly audible (sound): Any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, or comprehensible musical rhythms.
- Y.** Public right-of-way: Any street, avenue, highway, boulevard, alley, easement or public space which is owned by or controlled by a public governmental entity.
- Z.** Sound level: In dBA, the frequency weighted sound pressure level measured on the A-scale of a sound level meter.
- AA.** Sound level meter: A sound level measuring device, either Type I or Type II, as defined by ANSI specification S 1.4-1971. A sound level meter for the purpose of this Title shall contain at least an A-scale and both fast and slow meter response.
- BB.** Sound pressure level: In decibels (dB), is 20 times the logarithm to the base 10 of the ratio of the pressure of a given sound to the reference pressure. The reference pressure is 20 micropascals per square meter.
- CC.** Steady sound: A sound which remains essentially constant (± 2 dB) during a two minute period of observation when measured with the fast response of the sound level meter. Steady sound shall apply only to sound sources which operate or can reasonably be expected to operate for at least 15 minutes out of any one hour period.
- DD.** Use: The purpose for which land or a building is arranged, designed, or occupied.
- EE.** Watercraft: Any vehicle operated upon or immediately above the surface of the water.
- FF.** Zone: A classification of area of the City of Portland as described in Title 33 of the City Code, relating to the use to which property may be put. For the purposes of this title, the zones are based upon the Land Use Zones, as defined in Title 33 as follows:

TITLE 18
NOISE CONTROL

Category	Zones
Open Space	Open Space
Residential	Residential Farm/Forest Residential 20,000 Residential 10,000 Residential 7,000 Residential 5,000 Residential 2,500 Residential 3,000 Residential 2,000 Residential 1,000 High Density Residential Central Residential Institutional Residential
Commercial	Neighborhood Commercial 1 Neighborhood Commercial 2 Office Commercial 1 Office Commercial 2 Mixed Commercial Residential Storefront Commercial General Commercial Central Commercial
Industrial	General Employment 1 General Employment 2 Central Employment General Industrial 1 General Industrial 2 Heavy Industrial

Chapter 18.06

RESPONSIBILITIES AND AUTHORITY

Sections:

- 18.06.010 Noise Control Officer.
- 18.06.020 Noise Review Board.
- 18.06.030 Responsibilities.
- 18.06.040 Authority.

18.06.010 Noise Control Officer.

(Amended by Ordinance No. 159276, effective January 24, 1987.) The Noise Control Officer shall be designated by the Commissioner In Charge. The Commissioner may also designate persons to be deputy noise control officers, and the Noise Control Officer and the deputies shall be special police officers of the City and shall have authority to issue citations for the violations of this Title and to this extent shall exercise full police power and authority.

18.06.020 Noise Review Board.

(Amended by Ordinance Nos. 159276 and 184101, effective October 8, 2010.) The Noise Review Board is hereby established, consisting of five members, each appointed by the Mayor, and approved by the Council. Among the members there shall be, one professional in acoustics, one representative of the construction industry, and three citizens at large. Appointments shall be for a 3-year term. Noise Review Board members may serve no more than two complete 3-year terms, unless authorized by the Director. Members shall serve without remuneration. The Board shall elect its own chairperson at its first meeting of each fiscal year, and shall determine its own schedule of meetings. The Noise Control Officer shall serve as a nonvoting member of the Board. All decisions made by the Noise Review Board shall be by simple majority vote of a quorum.

18.06.030 Responsibilities.

(Amended by Ordinance No. 159276, effective January 24, 1987.)

A. The responsibilities of the Noise Control Officer shall include:

- 1.** Investigating citizen complaints of violations of this Title, making all necessary inspections and observations upon reasonable cause, with presentation of proper credentials, and enforcing the provisions of this Title.

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2. Promulgating rules and procedures to be used in the measurement of sound.
3. Conducting or participating in studies, research and monitoring relating to sound and noise, including joint cooperative investigation with public or private agencies; and the application for, and acceptance of, grants and contracts, with the approval of the City Council.
4. Advising, consulting and cooperating with any public or private agency, including City bureaus, to implement the provisions of this Title.
5. The supplying of such technical assistance as the Board shall direct or require.
6. The reviewing of all applications for variances and the rendering of decisions within the time specified, according to Section 18.14.

B. The responsibilities of the Noise Review Board shall include:

1. Instituting a public education program regarding sound and noise, including the collection, publication and dissemination of appropriate literature and information, and the enlisting of cooperation by public, civic, scientific, and educational groups.
2. The reviewing of applications for variances, and the rendering of decision within the time specified, according to Section 18.14.
3. Evaluating the effectiveness of this Title, and the developing of recommendations for amendments, additions, or deletions to this Title.
4. Developing long-term objectives for achieving reduction of sound levels in the community, and developing a means for implementing these objectives into the long-range planning process.
5. The developing of rules relative to the conduct of its meetings and to other matters the Board considers appropriate to noise control.

18.06.040 Authority.

(Amended by Ordinance Nos. 159276 and 165594, effective July 8, 1992.)

A. The authority of the Noise Control Officer shall include:

1. The issuance of citations for violation of this Title and City Code Section 16.20.120 A.

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2. Acting on variances, according to procedures specified in Chapter 18.14 of this Title.
 3. Requiring the cooperation of the owner or operator of any noise source in the reasonable operation, manipulation or shutdown of various equipment or operations as needed to ascertain the source of sound and measure its emission.
- B.** The authority of the Noise Review Board shall include:
1. Acting on variances according to the procedures specified in Chapter 18.14 of this Title.
 2. Holding hearings to obtain information relative to its responsibilities.
 3. Recommending amendments, additions, or deletions to this Title.

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Chapter 18.08

CITY BUREAUS

Sections:

- 18.08.010 Bureau Actions.
- 18.08.020 Compliance with Other Laws.
- 18.08.030 Product Selection.

18.08.010 Bureau Actions.

All City bureaus shall, to the fullest extent consistent with their authorities under other Titles administered by them, carry out their programs in such a manner as to further the provisions of this Title, and shall cooperate to the fullest extent in enforcing the provisions of this Title.

18.08.020 Compliance with Other Laws.

All bureaus engaged in any activities which result, or may result in the emission of sound, shall comply with federal and state regulations and the provisions of this Title, respecting the control and abatement of sound to the same extent that any person is subject to such laws and regulations.

18.08.030 Product Selection.

When two or more products, including supplies, materials and equipment, are being considered for purchase by a City bureau, and excessive sound levels are a factor, the product which has the lowest sound level shall be selected for purchase, provided that:

- A. Fitness and quality are judged to be equal, and
- B. The procurement cost of such product not exceed the total cost required to purchase a competing product and to reduce the sound emission level of that competing product to the lowest level of the product being considered, and
- C. The total cost of the purchase being considered not exceed 110 percent of the cost, prior to silencing, of the most advantageous product of the types being considered.

Chapter 18.10

**MAXIMUM PERMISSIBLE SOUND
LEVELS**

Sections:

- 18.10.010 Land Use Zones.
- 18.10.020 Motor Vehicles.
- 18.10.030 Home Equipment and Powered Tools.
- 18.10.035 Leaf Blowers.
- 18.10.040 Watercraft.
- 18.10.050 Motor Vehicle Racing Events.
- 18.10.060 Construction Activities and Equipment.
- 18.10.070 Parking Lot Sweepers.

18.10.010 Land Use Zones.

(Amended by Ordinance Nos. 159276, 163608, 164010, 175775 and 184101, effective October 8, 2010.) Except as specifically provided for elsewhere in this Title, no person shall cause or permit sound to intrude into the property of another person which exceeds the limits set forth below in this Section. For purposes of this Section, “day hours” shall be between 7 a.m. and 10 p.m., and “night hours” shall be between 10 p.m. and 7 a.m.

- A.** The sound levels established are as set forth in Figure 1 before any adjustments are applied:

FIGURE 1
PERMISSIBLE SOUND LEVELS
(7 am-10 pm, otherwise minus 5 dBA)

		Zone Categories of Receiver (measured at property line)			
		Residential	Open Space	Commercial	Industrial
Zone Categories of Source	Residential	55	55	60	65
	Open Space	55	55	60	65
	Commercial	60	60	70	70
	Industrial	65	65	70	75

- B.** Adjustments to Figure 1.

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1. During the night hours, the sound levels of Figure 1 shall be reduced 5 dBA.
 2. During all hours, the sound levels of Figure 1 shall be decreased 5 dBA for narrow band or steady sound (apply 1 only).
 3. The adjustments provided herein are cumulative.
- C.** If a dwelling unit or noise sensitive receiver is in a nonresidential zone of the City, the nonresidential standard shall normally apply, unless:
1. a complaint is received, and
 2. the dwelling unit or noise sensitive receiver type use predates that of the noise source. In that case, the permissible sound level, as measured at the lot line of the dwelling unit or other noise sensitive receiver, shall be 65 dBA in a commercial zone, and 70 dBA in an employment or industrial zone, each subject to the adjustments of Section 18.10.010 B., F., and G.
- D.** Nonconforming use: The maximum permissible sound level that may be emitted from any lot containing a nonconforming use shall be the same as that permitted for the most restrictive zone in which the use would be conforming.
- E.** When a sound source can be identified and its sound measured in more than one zone, each of the appropriate sections shall apply at the boundaries between zones.
- F.** Impulse sound: Notwithstanding the sound levels of this Section, no person shall cause or permit the operation of an impulsive noise source which has a peak sound pressure level in excess of 100 dB during day hours or 80 dB during night hours.
- G.** Octave band measurements: When the Noise Control Officer makes a finding that the frequency characteristics of the sound are such that the A-scale levels specified in Section 18.10.010 are inadequate to protect the public health, welfare, or safety, octave-band sound pressure level measurements shall be performed.
1. Octave-band measurements shall be compared to the appropriate values indicated in Figure 2 for equivalent permissible dBA land use values; octave-band sound pressure in excess of these standards shall be considered evidence of a violation of this Title.

FIGURE 2
PERMITTED OCTAVE BAND SOUND PRESSURE LEVELS
FOR GIVEN PERMISSIBLE dBA SOUND LEVELS

The Maximum Octave Band Sound Pressure Levels Shall Not Exceed:		Octave Band Center Frequency, in Hz								
When the permissible dBA level is:		31. 5	63	125	250	500	1000	2000	4000	8000
	45	64	58	51	46	42	39	36	33	30
	50	65	62	56	50	46	43	40	37	34
	55	68	65	61	55	52	49	46	43	40
	60	72	68	64	60	56	54	51	48	45
	65	76	72	68	64	61	59	56	53	50
	70	79	76	72	69	66	64	61	58	55
	75	82	79	76	73	71	69	66	63	60

- H.** When property of the receiver is unoccupied, as in the case of any undeveloped lot, sound levels in excess of those specified herein, shall be considered only as a technical violation of the standard. No citation shall be issued in such instances, nor is corrective action required by the noise source.

18.10.020 Motor Vehicles.

(Amended by Ordinance Nos. 159276, 164010 and 184101, effective October 8, 2010.)

- A.** No person shall operate any motor vehicle registered for use on public roads at any time, or under any condition of grade, load, acceleration or deceleration in such a manner as to violate the maximum permissible sound levels or equipment standards for the category of vehicle as indicated in this Subsection.
- 1.** Vehicles of 10,000 pounds GCWR (Gross Combination Weight Rating) or more, engaged in interstate commerce as regulated by 40 C.F.R., part 202, (1986), the provisions of which are hereby incorporated by reference and three copies of which are on file in the Office of the City Auditor.
 - 2.** All other vehicles shall not exceed the vehicular noise emission levels or equipment standards permitted by OAR 340-35-030 (1) (a) and (c), three copies of which are on file in the Office of the City Auditor and which are hereby adopted by reference.

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3. No person shall drive a motor vehicle on a public highway unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise.
- B.** No person shall operate, and no owner of any motor vehicle shall permit to be operated upon any public road, street, or highway, any motor vehicle so as to cause any greater noise or sound than is reasonably necessary for the proper operation of such motor vehicle.
 1. No person shall operate a motor vehicle on a street or highway with an exhaust system utilizing a cutout, bypass or similar device.
 2. No person shall operate a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching, or other such noise from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason, except that noise resulting from emergency action to avoid imminent danger shall be exempt from this provision.
 3. No person shall operate any motor vehicle in excess of 10,000 pounds GCWR, in any residential zone of the City or within 200 feet of any dwelling unit, school, hospital or library, with a dynamic braking device engaged except to avoid imminent danger.
- C.** No person shall operate and no owner of property shall permit the operation of an off-road recreational vehicle so as to exceed the noise emission standards of:
 1. OAR 340-35-030 (1)(b) and (d) three copies of which are on file with the Office of the City Auditor, and which are hereby adopted by reference.
 2. Section 18.10.020 of this Title.
- D.** No person shall operate an off-road recreational vehicle on private or public property unless the property has been designated for off-road recreational vehicle use pursuant to Title 33, Planning and Zoning of this Code.
- E.** A police officer, or noise control officer, who finds a vehicle or operator to be in violation of Subsection A of this Section shall issue a citation to the operator. The citation shall be accompanied by a written notice to the operator specifying the particular subsections found to be in violation.
 1. The citation shall require the violator to appear at court to answer for the violation and present evidence that the violation has been corrected. The

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date for court appearance on the face of the citation shall not be less than 28 days after the citation was issued.

2. The accompanying written notice shall specify that if the violator presents proof to the clerk of the district court that the vehicle complies with the standards described in OAR 340-35-030 (1), (a) and (c) (1983), for the control of motor vehicle noise emissions, three copies of which are on file with the Office of the City Auditor and which are hereby adopted by reference, the citation shall be dismissed.
3. Proof for the purpose of this Section shall be a certificate of compliance issued or approved by the Department of Environmental Quality. If said certificate is received by the clerk of the district court not less than 5 days prior to the date set for the violator's appearance before the court, the citation will be dismissed without the necessity of the violator personally appearing before the court.

18.10.030 Home Equipment and Powered Tools.

(Amended by Ordinance Nos. 159276, 164010, and 175772, effective August 1, 2001.)

- A. This Section shall apply to powered tools and equipment for home use or lawn and garden maintenance, except leaf blowers (see 18.10.035) or such tools and equipment used as part of a home occupation (see 18.10.030 E.).
- B. When used inside a dwelling unit, between the hours of 7:00 a.m. and 10:00 p.m., the sound levels generated by such equipment shall not exceed 60 dBA, when measured at the lot line.
- C. When used outside a dwelling unit, between the hours of 7:00 a.m. and 10:00 p.m., the sound levels generated by such equipment shall not exceed the following levels, for equipment of the appropriate class, when measured at a distance of 25 feet (7.6 meters) or at the lot line, whichever is further from the source:
 1. Five HP or less, such as, but not limited to, lawnmowers, riding tractors and small garden tools: 80 dBA;
 2. More than 5 HP, such as, but not limited to, powered hand tools and snow removal equipment: 85 dBA.
- D. When used inside or outside a dwelling between the hours of 10:00 p.m. and 7:00 a.m., the sound levels generated by all such equipment shall not exceed those specified in Section 18.10.010.

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- E.** Sound levels generated by tools and equipment as part of a home occupation shall not exceed 50 dBA, as measured at the lot line.

18.10.035 Leaf Blowers.

(Replaced by Ordinance No. 177767, effective September 1, 2003.)

- A.** For purposes of Section 18.10.035, “leaf blower” means any portable device designed or intended to blow, vacuum, or move leaves or any other type of debris or material by generating a concentrated stream of air. “Leaf blower” shall include any devices or machines that accept vacuum attachments.
- B.** General operating restrictions.
 - 1.** Commercial and other zones. No person shall operate a leaf blower in commercial, industrial, and open space zones, or in the adjoining public right-of-way, between the hours of 9:00 pm and 7:00 am the following morning, seven days a week, unless the leaf blower meets the requirements of Section 18.10.010 A. - F. and H.
 - 2.** Residential zones. No person shall operate a leaf blower in residential zones, or in the adjoining public right-of-way, between the hours of 7:00 pm to 7:00 am the following morning, seven days a week.
 - 3.** For purposes of Section 18.10.035 B., right-of-way adjoining residential zones and any other zone shall be considered as being within residential zones.
- C.** Noise restrictions.
 - 1.** By August 1, 2006, the Noise Control Officer shall establish a list of the leaf blowers not exceeding a 65 dBA sound level at 50 feet. The Noise Control Officer’s list shall include only leaf blowers certified by a third-party testing laboratory, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000. Thereafter, the Noise Control Officer shall update the certified list at least annually, or as it is informed of other certified leaf blowers.
 - 2.** By August 1, 2006, the Noise Control Officer shall establish a list of the leaf blowers not exceeding a 70 dBA sound level at 50 feet. The Noise Control Officer’s list shall include only leaf blowers certified by a third-party testing laboratory, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000. Thereafter, the Noise Control Officer shall update the certified list at least annually, or as it is informed of other certified leaf blowers.

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3. From March 1 through October 31st of each year, operation of any leaf blower within the City of Portland, which is not on the certified list of 65 dba , or quieter, leaf blowers as developed by the Noise Control Officer, shall constitute a violation of Title 18.
4. From November 1 through February 28th of each year, operation of any leaf blower within the City of Portland, which is not on the certified list of 70 dba , or quieter, leaf blowers as developed by the Noise Control Officer, shall constitute a violation of Title 18.

D. Leaf Blower Use on Large Open Spaces

1. Leaf blowers operated on Open Space land use zones at a distance of 200 feet or greater from the property line shall not exceed a 75 dBA sound level, using American National Standards Institute (ANSI) methodology, ANSI B175.2-2000.

18.10.040 Watercraft.

(Amended by Ordinance No. 164010, effective March 27, 1991.)

- A. No person shall operate a watercraft between the hours of 7:00 a.m. and 10:00 p.m. which exceeds 75 dBA as measured on shore. Between 10:00 p.m. and 7:00 a.m., this sound level shall be 65 dBA.
- B. Exemptions: normal docking and undocking operations of all vessels, and operations of vessels licensed by the federal government for purposes of commerce on interstate waters are exempted from the provisions of this Section.
- C. Motorboats shall not be operated on public waterways within the City limits, unless equipped with a functioning underwater exhaust or muffler, or, unless such motorboat has the discharge water continuously piped into the exhaust line.

18.10.050 Motor Vehicle Racing Events.

(Amended by Ordinance Nos. 159276, 164010, and 175772, effective August 1, 2001.)

- A. No person shall operate or permit to be operated any motor vehicle racing within the City except at an area approved by the City.
- B. All motor vehicle racing shall be conducted in a manner approved by the Noise Control Officer and/or the Noise Review Board, or the City Council.
- C. For purposes of determining permissible sound levels of motor vehicle racing only, the Portland International Raceway shall be deemed an industrial land use zone of source, which use was in operation before January 1, 1977. Sound levels

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generated by any other use of the Portland International Raceway shall meet the standards defined in 18.10.010 A., Figure 1.

18.10.060 Construction Activities and Equipment.

(Amended by Ordinance Nos. 159276 and 187272, effective July 29, 2015.)

- A.** Maximum sound levels: No person shall operate any equipment or appurtenances thereto in commercial construction activities which exceeds 85 dBA, when measured at 50 feet (15.2 meters) from the source. This standard shall not apply to trucks (see Section 18.10.020), pile drivers, pavement breakers, scrapers, concrete saws and rock drills.
- B.** Night, weekend, and legal holidays limitation: From 6:00 p.m. to 7:00 a.m. the following morning, and 6:00 p.m. Saturday to 7:00 a.m. the following Monday, and on legal holidays, the permissible sound levels of Section 18.10.010 shall apply to all construction activities except by variance or for reasons of emergency. The exempted equipment of Section 18.10.060 A is not exempted during these hours. For purposes of this Subsection, construction activities on a public road within a zone shall be considered as taking place on private property within that zone.
- C.** The adjustments to permissible sound levels established in Section 18.10.010 B apply to Subsections A and B above.
- D.** All equipment used in commercial activities shall have sound control devices no less effective than those provided on the original equipment, and no equipment shall have an unmuffled exhaust.
- E.** All equipment used in commercial construction activities shall comply with pertinent standards of the U.S. Environmental Protection Agency.
- F.** Pile Drivers:
 - 1.** Notwithstanding Subsection B above, the permissible sound levels of Section 18.10.010 shall apply to pile drivers from 6 p.m. to 8 a.m. the following morning, and 6 p.m. Friday to 8 a.m. the following Monday, and on legal holidays.
 - 2.** The owner of a site on which pile driving will occur shall cause a notice to be mailed to all residences within 500 feet of the site. Mailing will occur no fewer than 30 days prior to the commencement of pile driving. The notice shall list the expected starting and ending dates for pile driving and give a telephone number for further information.

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18.10.070 Parking Lot Sweepers.

(Added by Ordinance No. 175772, effective August 1, 2001.) From 10:00 p.m. to 7:00 a.m., operation of commercial parking lot sweepers shall not exceed the sound levels for day hours set forth in 18.10.010. After July 1, 2004, operation of commercial parking lot sweepers shall not exceed the sound levels for night hours set forth in 18.10.010 A and 18.10.010 B.

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Chapter 18.12

NOISES PROHIBITED

Sections:

- 18.12.010 Noise Disturbance Prohibited.
- 18.12.020 Specific Prohibitions.
- 18.12.030 Provisions if Measurement Is Made.

18.12.010 Noise Disturbance Prohibited.

It shall be unlawful for any person to willfully make, continue, cause or permit to be made or continued any noise disturbance within the City of Portland.

18.12.020 Specific Prohibitions.

(Amended by Ordinance Nos. 159276, 166951, 181539, 184101 and 186216, effective September 4, 2013.) The following acts are declared to be violations of this Title, but this enumeration shall not be deemed to be exclusive, namely:

A. Noisy animals.

- 1.** It shall be a violation for any animal to unreasonably cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's property or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. This provision is not applicable to any animals located in a Specified Animal Facility or to livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land-use and zoning laws and regulations. Enforcement of this Subsection shall be the responsibility of Multnomah County Animal Control.
- 2.** Animals located in a Authorized or Permitted Animal Facility. It shall be a violation for any animal located in a Specified Animal Facility, as defined in Portland City Code 13.05.005 G., or to any lawful livestock owner or keeper, kennel or similar facility, wherein the presence of livestock or the operation of a kennel or similar facility is authorized under the applicable land-use and zoning laws and regulations to unreasonably

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cause annoyance, alarm, noise disturbance at any time of the day or night by repetitive barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundary of the owner's or keeper's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of ten minutes or repeated episodes of intermittent noise lasting for a minimum period of thirty minutes. Enforcement of this Subsection shall be the responsibility of the Office of Neighborhood Involvement or another City entity designated by Council.

- B.** Sound producing or reproducing equipment. Operating or permitting the use or operation of any device designed for sound production or reproduction in such a manner as to cause a noise disturbance; or operating or permitting the operating or use of any such device between the hours of 10 p.m. and 7 a.m. so as to be plainly audible within any dwelling unit which is not the source of sound; or operating any such device on public property or on a public right of way so as to be plainly audible 100 feet or more from such device provided that a person operating any such device in a City park pursuant to a permit granted by the Commissioner In Charge of the Park Bureau shall be in violation only if the device is plainly audible at any point along the park boundary.
- C.** Parked motor vehicles. The parking of any motor vehicle of 10,000 pounds GCWR, or more, with the motor or attached auxiliary equipment in operation:

 - 1. On a public right-of-way, except for reasons of an emergency nature, or
 - 2. On private property in such a manner as to be plainly audible within any dwelling unit between the hours of 10:00 p.m. and 7:00 a.m.
 - 3. This Subsection C shall not apply to: commercial construction equipment, the normal operation of vehicles designed and used for commercial transportation of passengers, and vehicles being loaded or unloaded.

18.12.030 Provisions if Measurement is Made.

If measurement is taken of a sound source, the provisions of Chapter 18.10 shall supersede this Section and shall be used to determine if a violation of this Title exists.

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Chapter 18.14

EXEMPTIONS AND VARIANCES

Sections:

18.14.010 Exemptions.

18.14.020 Variances.

18.14.010 Exemptions.

(Amended by Ordinance No. 159276, effective January 24, 1987.) The following sounds are exempted from the provisions of this Title.

- A.** Sounds caused by the performance of emergency work, or by the ordinary and accepted use of emergency apparatus and equipment.
- B.** Sounds caused by sources regulated as to sound production by federal law.
- C.** Sounds not electronically amplified, created by athletic and entertainment events other than motor vehicle racing events.
- D.** Sounds caused by agricultural and forestry operations within an FF zone of the City.
- E.** Blasting, under permit.
- F.** Sounds made by warning devices operated continuously for 3 minutes or less.

18.14.020 Variances.

(Amended by Ordinance Nos. 159276, 162098, 164010, 174718, 175772, 184101 and 186216, effective September 4, 2013.) Any person who owns, controls, or operates any sound source which does not comply with provisions or standards of this Title may apply for a variance from such standard(s) or provision(s).

- A.** Application. The application shall be in a form acceptable to the Noise Review Board or the Noise Control Officer, and shall state the date, time, and location of the event or activity and the reasons for which the variance is being sought. The applicant may be required to supply additional information. The application shall not be considered received until all information has been supplied. It is the responsibility of the applicant to submit the application in proper form, and to allow sufficient time for review, as specified in Subsection 18.14.020 F.

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- B.** The application shall not be considered until the application fee is received. All required fees are stated in the Fee Schedule adopted by City Council. Fees will be updated annually or on an as needed basis. The approved Fee Schedule will be available at the Office of Neighborhood Involvement.
- C.** All applications will be first sent to the Noise Control Officer who, with the Chair of the Noise Review Board, shall determine the appropriate reviewing body. The criterion for this determination shall be: whether the noise impact is deemed significant in level or in numbers of persons or property affected. If the potential noise impact is judged not to be significant, the application will be reviewed by the Noise Control Officer. If the potential noise impact is judged to be significant, the review will be made by the Noise Review Board. The Chair of the Noise Review Board may delegate Board review and action to the Noise Control Officer if, in the exercise of his or her discretion, such delegation is in the City's interest.
- D.** Review of the application on its merit shall include consideration of at least the following:

 - 1. The physical characteristics, times and durations of the emitted sound,
 - 2. The geography, zone, and population density of the affected area,
 - 3. Whether the public health, safety or welfare is impacted,
 - 4. Whether the sound source predates the receiver(s), and
 - 5. Whether compliance with the standard(s) or provision(s) from which the variance is sought would produce hardship without equal or greater benefit to the public.
 - 6. Applicant's previous history, if any, of compliance or noncompliance.
- E.** Public notification. Notice of receipt of all applications to be reviewed by the Noise Review Board shall promptly be published in a newspaper of general circulation within the City. Notice shall also be given to affected neighborhood association(s), or owners and residents of property likely to be affected by the application, and to any person who has in writing requested notice of such application.
- F.** Time for review and decision. Applications to be reviewed by the Noise Control Officer shall be decided within 10 business days of receipt of the completed application. Applications to be reviewed by the Noise Review Board shall be decided within 45 business days of receipt of the completed application. Should

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the applicant require more accelerated review than that provided above, the process may be shortened to no more than 3 business days for review by the Noise Control Officer or 7 business days for review by the Noise Review Board, upon payment of an additional surcharge in the amount of the original application fee, and provided the Chair of the Noise Review Board and the Noise Control Officer conclude that such accelerated review is sufficient for evaluation, and in the City's interest.

1. Failure to reach decision within the times specified shall constitute automatic approval of the application, unless specifically waived by the applicant. If not waived, such approval shall expire within 180 days following such failure.
- G.** Applications reviewed by the Noise Control Officer, or the Noise Review Board may be granted, denied, or granted with conditions.
- H.** All decisions shall be in writing, and those made by the Noise Review Board shall state the facts and reasons leading to the decision and shall be made available to the applicant, and any other person who has requested such decision.
- I.** Appeals to City Council. A variance decision of the Noise Control Officer or the Noise Review Board may be appealed to the City Council as follows:
1. Eligibility to appeal. A variance decision may be appealed by the applicant, his legal representative, any affected neighborhood association, or any person who has submitted oral or written testimony on the application.
 2. Appeal acceptance criteria. Notice of intent to appeal shall be in writing to the City Auditor's Office within 10 days of the effective date of the decision. The notice shall identify the decision that is being appealed, and include the appellant's name, address, and signature, phone number, relationship to the variance decision action, and a clear statement of the specific reason(s) for the appeal including any alleged misapplication of City Codes.
 3. Upon receipt of such appeal, the Auditor shall then place the matter upon the Calendar of the City Council.
 4. At the time of the hearing, the City Council may consider such new matter as it deems appropriate, as well as the record developed before the Noise Control Officer or the Noise Review Board, and thereafter may affirm, reverse, modify or remand the decision.

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- J.** All variances are subject to review upon complaint. Notice of review shall be provided to the variance holder, and shall state the date, time and place of the review. The permittee shall have the opportunity of hearing prior to any revocation. Decisions relative to the review of a variance shall follow the procedures specified in Sections 18.14.020 H, and I.
- K.** Violation of the terms of the variance shall be grounds for the revocation of the variance. The Noise Control Officer or any Police Officer of the City of Portland may summarily revoke or alter conditions of any variance. A request for an applicant or responsible parties to cease activities shall be considered an immediate request and does not allow the permittee or his/her agent to complete any additional work or activity. Activities in violation of the Portland City Code or an approved Noise Variance must cease immediately upon notification of the Noise Variance revocation.

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Chapter 18.16

**ORDINANCE ADDITIONAL
TO OTHER LAW**

Section:

18.16.010 Ordinance Additional to Other Law.

18.16.010 Ordinance Additional to Other Law.

The provisions of this Title shall be cumulative and non-exclusive and shall not affect any other claim, cause of action or remedy; nor, unless specifically provided, shall it be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise or sound, but shall be deemed additional to existing legislation and common law on such subject.

Chapter 18.17

RULEMAKING

(Chapter added by Ordinance No. 175772,
effective August 1, 2001.)

Section:

18.17.010 Rulemaking.

18.17.010 Rulemaking.

(Amended by Ordinance Nos. 176955 and 186216, effective September 4, 2013.)

- A.** The Director has the authority to adopt administrative rules and supplemental regulations related to the provisions of this Title. The rules and regulations must be in conformance with the intent and purpose of this Title. The Director has the authority to administer such rules and regulations. Rules will be adopted according to the procedures in this section.
- B.** Permanent rules.
 - 1.** Prior to the adoption of a permanent rule, the Director will:
 - a.** Publish a notice in a newspaper of general circulation in the City. The notice must be published not less than thirty days before the hearing. The notice must identify the place, time and purpose for the hearing; a brief description of the subjects covered by the proposed rule; the final date for acceptance of written comments; the location to submit comments and the location where copies of the full set of the proposed rules may be obtained.
 - b.** At the hearing, a designee of the Director will hear testimony and receive written comments regarding the proposed rules. The designee will provide a recommendation to the Director. The recommendation will take into consideration the comments received.
 - c.** The Director will review the recommendation of the designee and may either adopt the proposed rule, modify or reject it.
 - d.** If a substantial modification is made to the proposed rule, the Director may adopt the modification as an Interim Rule or provide additional public review prior to adoption.

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2. Unless otherwise stated, all rules will be effective two weeks after adoption by the Director.
- C.** Interim rules.
1. An interim rule may be adopted by the Director without prior notice upon a finding that a failure to act promptly will result in a serious threat of injury or hazard to the public health or public or private property. The rule will include specific reasons for the finding.
 2. Interim rules will be effective for a period of not longer than 180 days.
 3. Not more than 30 days after adoption of an interim rule, public notice of interim rules must be given by publication in a newspaper of general circulation. Such notice must also identify the location at which copies of the full set of the interim rules may be obtained.
- D.** All final and interim rules must be filed in the office of the Director. All final and interim rules will be available to the public at the Office of Neighborhood Involvement.
- E.** For the purposes of this Section, “Director” shall mean the Director of the Office of Neighborhood Involvement, or any duly authorized representative of the Director.

Chapter 18.18

ENFORCEMENT AND PENALTIES

Sections:

- 18.18.010 Authority for Enforcement.
- 18.18.020 Violations.
- 18.18.030 Civil Penalties and Fees.
- 18.18.040 Citations.
- 18.18.050 Review by the Director.
- 18.18.060 Institution of Legal Proceedings.

18.18.010 Authority for Enforcement.

(Amended by Ordinance Nos. 159276, 175772, 176955 and 186216, effective September 4, 2013.) This Title shall be enforced by the Office of Neighborhood Involvement and by the Bureau of Police. Duly authorized agents of either of these bureaus shall have citation authority for purposes of enforcing this Title.

18.18.020 Violations.

(Replaced by Ordinance No. 175772, effective August 1, 2001.)

- A.** The following constitute violations of this Title:
 - 1.** Any failure, refusal or neglect to comply with any provision of this Title;
 - 2.** Allowing or causing a condition that threatens to injure the public health or safety, or threatens to damage public or private property; or
 - 3.** Any failure, refusal or neglect to correct or cease any noise that does not comply with the provisions of this Title, after being required to do so by the Director or any Police Officer.
- B.** Each specific incident and each day of non-compliance will be considered a separate violation of this Title.

18.18.030 Civil Penalties and Fees.

(Replaced by Ordinance No. 175772, effective August 1, 2001.) A violation of this Title may result in assessment of civil penalties or enforcement fees, as provided below:

- A.** Civil penalties.

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- 1.** For each separate violation, a civil penalty of up to \$5,000 may be assessed.
- 2.** In determining the amount of any civil penalty to be assessed, the Director 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 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.

B. Administrative enforcement fees.

- 1.** The Director may charge a penalty in the form of a monthly enforcement fee for any violation that meets the following conditions:
 - a.** A citation, as described in Section 18.18.040, has been issued;
 - b.** A response period of at least 30 days has passed since the citation or stop work order became final; and
 - c.** The violation, as described in the initial citation of violation or any subsequent citation, has not been corrected, inspected and approved.
- 2.** If the responsible party does not have all violations corrected, inspected and approved within six months from the date of the initial citation, then monthly enforcement fees will double.
- 3.** Once the monthly enforcement fees begin, they will continue until all violations identified in the initial citation, or any subsequent citations, have been corrected, inspected and approved.

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4. The responsible party must notify the Director when the responsible party believes that all violations listed in the initial citation or any subsequent citations, have been corrected. Upon confirmed receipt of such notice, the Director will promptly schedule an inspection of the violation and will notify the responsible party if any violations remain uncorrected.
5. When a violation meets the conditions for charging an enforcement fee as described in this Section, the Director will file a statement with the City Auditor that identifies the property, the amount of the monthly fee, and the date from which the charges are to begin. The Auditor will then:
 - a. Notify the responsible party of enforcement fees;
 - b. Record a property lien in the Docket of City Liens;
 - c. Bill the responsible party monthly for the full amount of the enforcement fee owing, plus additional charges to cover the administrative costs of the City Auditor; and
 - d. Maintain lien records until:
 - (1) The lien and all associated interest, penalties and costs are paid in full; and
 - (2) The Director certifies that all violations listed in the initial and any subsequent citations or stop work orders have been corrected, inspected and approved.

18.18.040 Citations.

(Added by Ordinance Nos. 175772 and 184101, effective October 8, 2010.)

- A. If the Director has reasonable belief that a violation has occurred, the Director may issue a citation. The citation may be personally delivered to the responsible party, or may be served by Registered or Certified Mail to the responsible party. For purposes of this Subsection, service by registered or certified mail is complete and effective when a correctly addressed notice is deposited with the postal service after being either certified or registered by the postal service. The citation will include:
 1. A reference to the particular section or sections of this Title that have been or are being violated;
 2. A short and plain statement of the matters asserted or charged;

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3. A statement of the amount of the applicable penalties; and
 4. A reference to the process by which the responsible party may request review by the Director.
- B.** The responsible party cited as violating this Title must, within 15 days of receiving the citation, pay to the City the stated penalty or request review by the Director. If, after review by the Director, the Director upholds the civil penalty, payment of the penalty must be received by the City or postmarked no later than 15 days after the review determination becomes final.

18.18.050 Review by the Director.

(Added by Ordinance No. 175772, effective August 1, 2001.)

- A.** If a responsible party has received a written citation as described in this Chapter and the responsible party believes the citation has been issued in error, the responsible party may request that the citation be reviewed by the Director. The responsible party must submit a written request to the Director within 15 days of the date of the citation. The written request shall be submitted together with all evidence that supports the responsible party's request. The Director's determination will be served on the responsible party by regular mail.
- B.** A responsible party may appeal the Director's written determination to the Code Hearings Officer in accordance with Chapter 22.10 of Portland City Code.
- C.** Nothing in this Chapter limits the authority of the Director to initiate a code enforcement proceeding under Title 22, Hearings Officer for any violations of this Title.

18.18.060 Institution of Legal Proceedings.

(Added by Ordinance No. 175772, effective August 1, 2001.) The City Attorney, acting in the name of the City, may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this Title as additional remedy.

Chapter 18.20

SEVERABILITY PROVISION

Section:

18.20.010 Severability Provision.

18.20.010 Severability Provision.

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

- B.** No person, at any event in any Park for which a permit has been issued under Chapter 20.08 of this Code, shall engage in any conduct prohibited by Section 20.08.060 of this Code.

20.12.070 Unlawful Use of Trees, Monuments, Vases, Fountains, Railings, Fences or Tables.

It is unlawful for any person to climb any tree, or walk, stand, or sit upon the monuments, vases, railings, or fences, or lie on any picnic table in any Park. No person shall climb, walk, stand or sit upon, or enter, wade or dive into or swim in any fountain in any Park, except for fountains where such use is designated by the Director.

20.12.080 Structures in Parks.

Except as permitted under Subsection 20.08.010 B. and/or under Section 20.08.070, no person shall excavate for, erect, install or place, or do any act as part of or commencement of excavation, erection, installation or placement of any permanent or temporary structure or facility in or on any Park. This Section does not prohibit the mere carrying of any item in or through a Park, nor does it prohibit the use or placement of personal accessories, such as purses, backpacks or bags, or the use or placement of wheelchairs, walkers or baby carriages or child strollers in any Park, except in areas where those items are prohibited by the Director.

20.12.090 Disposing of Rubbish.

- A.** No person shall place any garbage, or other rubbish, or refuse or debris, nor shall any person deposit or leave birdseed, breadcrumbs or other food particles or food waste, in or upon any Park. Nothing in this Section shall prohibit any person from eating food in any Park, nor shall the prohibitions of this Section apply to the incidental loss of food particles that cannot reasonably be collected and properly disposed of.
- B.** No person shall enter any Park with garbage, or other rubbish or refuse or debris that has originated from outside the Park, for the purpose of disposing of any of the rubbish, refuse, or debris in the Park.
- C.** The prohibitions of this Section shall not apply to the disposal, in receptacles provided for that purpose, of garbage or refuse that results from the normal use of the Park for recreational or other lawful purposes.

20.12.100 Vandalism; Protection of Park Property and Vegetation.

(Amended by Ordinance No. 184522, 185448 and 186053, effective January 1, 2015.)

- A.** No person shall take, remove, destroy, break, cut, injure, mutilate, or deface in any way or attach any thing to, any structure, monument, statue, vase, fountain, wall,

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fence, railing, gate, vehicle, bench, or other property in any Park. No person shall remove, destroy, break, injure, mutilate, or deface in any way in any Park any shrub, fern, plant, flower, or other vegetation. No person shall plant, prune, remove, destroy, break, injure, mutilate, or deface in any way in any Park any tree without a permit from the City Forester under the provisions of Title 11. This provision shall not prohibit authorized work done for, by or on behalf of the City.

- B.** No person shall, without prior authorization, take, use, or have in his or her possession any equipment belonging to the City and designated for park or recreation use, outside of the limits of the established Park or Parks facility.

20.12.110 Fires, Fireworks and Smoking Prohibited.

(Amended by Ordinance Nos. 187020 and 187231, effective July 25, 2015.)

- A.** No person shall light any fire in any Park, except in areas and/or facilities designated by the Director for such use and in conformance with all applicable laws. This Section does not prohibit lighting cigarettes, cigars or pipes in areas where smoking is permitted, nor does it prohibit the use of legal fireworks except as provided in Subsection B. of this Section or in areas in which the Director has prohibited such use.
- B.** No person shall possess or ignite any fireworks in any Park, where such possession or use is unlawful under State law. No person shall possess or ignite any otherwise legal fireworks in any of the following Parks, without a permit:
 - 1.** Pioneer Courthouse Square;
 - 2.** O'Bryant Square;
 - 3.** Lownsdale Square;
 - 4.** Forecourt/Ira Keller Fountain;
 - 5.** Ankeny Square;
 - 6.** Classical Chinese Garden;
 - 7.** Block 5 Park (Moyer);
 - 8.** Eastbank Esplanade;
 - 9.** Holladay Park;

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- 10. Any nature park or area designated as a natural area;
- 11. Any other Park or Park area designated by the Director.
- C. No person shall smoke or use tobacco in any form in any place in any Park. For purposes of this Section, smoking and tobacco are defined to include, but are not limited to: bidis, cigarettes, cigarillos, cigars, clove cigarettes, e-cigarettes, nicotine vaporizers, nicotine liquids, hookahs, kreteks, pipes, chew, snuff, smokeless tobacco, and marijuana.
- D. Notwithstanding the prohibitions contained in this Section, golf tournaments may apply for a permit to allow smoking and tobacco use in designated areas at City golf courses.
- E. The Director, in consultation with the Commissioner in Charge, in a manner consistent with the City's Human Resource Administrative Rules, may establish designated smoking and tobacco use areas for Parks employees for whom there is no reasonably available non-parks property where smoking and tobacco use is allowed.
- F. Smoking of noncommercial tobacco products for ceremonial purposes in spaces designated for traditional ceremonies in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996, as well as for similar religious ceremonial uses for other cultural groups shall be permitted. "Noncommercial tobacco products" means unprocessed tobacco plants or tobacco by-products used for ceremonial or spiritual purposes by Native Americans.
- G. Notwithstanding any other provision of this Code, a person who violates Section 20.12.110 C. shall not be subject to exclusion under Section 20.12.265, or to criminal enforcement under Section 1.01.140 of this Code. Rather, any person violating Subsection 20.12.110 C. shall be required to leave the Park in which the offense occurred, for the remainder of the day. Enforcement will be administered by PP&R staff who have the authority to enforce park rules, except that any person providing security services at Pioneer Courthouse Square, Director Park, or that portion of the South Park Blocks adjacent to Portland State University may enforce the prohibitions on tobacco and smoking in that Park, but only in the manner provided by this Section.

20.12.140 Animals.

(Amended by Ordinance No. 186008, effective May 31, 2013.)

- A. No person shall injure, harm, disturb, or molest any wild or domestic animal in any Park.

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- B.** No person owning, in control of or responsible for any dog shall allow that dog to be in any Park if the dog is not held securely on a leash no greater than eight feet in length, except in such Parks or portions of Parks as the Director may designate as off-leash areas, or during such times as the Director may establish as off-leash hours; provided, however, that a violation of any rule established by the Director governing any designated off-leash area or off-leash hours shall be a violation of this Section. Nothing in this Section shall limit the authority of the Director to terminate, alter or amend the designation of any off-leash area or off-leash hours.
- C.** No person owning, in control of or responsible for any horse or other animal capable of being ridden by a person shall allow that animal to be in any Park, except in such Parks or portions of Parks as the Director may designate for use by such animals.
- D.** No person shall hitch any animal to any tree, shrub, fence, railing, or other structure or facility in any Park, except to such structures or facilities as are designated for that purpose.
- E.** No person shall bring or keep any animal in any Park if the animal is not within the person's immediate reach and control.
- F.** No person owning, in control of or responsible for any animal shall allow that animal to enter or remain upon any of the following in any park:

 - 1.** Any lake, fountain, pond or stream.
 - 2.** Any tennis court, basketball court, running track or other artificial sports surface or manicured turf sports field.
 - 3.** Any sports facility enclosed by a fence or wall.
 - 4.** Any area where such animals are prohibited by the Director.
- G.** No person shall allow any animal in that person's ownership, possession, custody or control to injure any other person or animal or damage any property in any Park. Any person so allowing any animal to cause any such injury or damage shall be liable for the full amount of the injury or damage and for the costs of impounding the animal.
- H.** No person shall allow any animal in the person's possession, custody or control to discharge any fecal material in any Park unless the person promptly removes and disposes of the fecal material in an appropriate receptacle. No person shall allow

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any animal in the person's possession, custody or control to enter or remain in any Park unless the person has in the person's possession the equipment necessary to remove and properly dispose of any fecal material deposited by the animal in the Park.

- I.** No person owning, in control of or responsible for any animal shall allow that animal to be in any Park if the animal is not in compliance with applicable Multnomah County Animal Control regulations; provided, however, that dogs otherwise complying with those regulations may be off leash in designated off-leash areas or during designated off-leash hours.
- J.** Any animal in any Park in violation of any provision of this Section may be impounded, at the expense of the animal's owner, on the order of any Park Officer or of any Animal Control officer.
- K.** The prohibitions of this Section do not apply to service animals while performing their qualifying services, nor to animals while in the course of the official performance of police or rescue activities.
- L.** Notwithstanding any other provision of this Code, any person violating Subsections 20.12.120 B., E., F. or H. is subject only to a civil penalty not to exceed \$150 for each violation. Any person assessed a civil penalty under this Subsection may appeal the citation to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code.

20.12.150 Fishing and Bathing.

No person shall fish, wade, swim, or bathe in any Park except in the places designated by the Director for such purposes.

20.12.160 Unlawful Use of River Frontage Along Park Property.

- A.** No person shall jump or dive from any seawall, pier or dock in any Park, into the Willamette or Columbia Rivers.
- B.** No person shall tie or fasten any log, boat, or other floating equipment to or upon Park property bordering upon the Willamette or Columbia Rivers, except for temporary mooring of pleasure boats, in accordance with the provisions of Section 19.16.060 of this Code.

20.12.170 Use of Certain Devices or Equipment.

- A.** No person shall use any slingshot, javelin, shotput, discus, golf equipment, or archery equipment, or any device capable of launching a projectile, in or upon any

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Park, except in areas specifically designated or provided for that particular use, subject to the direction of authorized Park Officers.

- B.** No person shall use any wheeled vehicle, including unicycles, bicycles, tricycles, skateboards, roller skates or roller blades, motorized or unmotorized scooters, or any motorized vehicle on any tennis court, basketball court, running track or other artificial sports surface or designated sports facility except in areas specifically designated or provided for such use. The prohibitions of this Subsection shall not apply to medical mobility devices or to child strollers or baby carriages.
- C.** Without limiting the applicability of Section 20.12.030 to this or any other activity, no person shall ride or operate a skateboard on any brickwork, cobblestone or ornamental surface, picnic table, tennis court, fountain area, planter, or sculpture located in a Park.
- D.** No person shall operate any motorized vehicle or motorized wheeled vehicle or motorized wheeled device in any Park, except on Park roads or in designated vehicle parking areas, or by permit. The prohibitions of this Section do not apply to authorized service or emergency vehicles or to the following electric mobility devices used by persons who need assistance to be mobile, and used in accordance with all applicable park and traffic rules:

 - 1.** “Electric assisted bicycle” as defined in ORS 801.258;
 - 2.** “Motorized wheelchair,” “Mobility scooter” or “Power chair” defined as an electric powered transportation device for one person in a seated position, with feet resting on floorboards or foot rests, and incapable of exceeding a speed of 20 mph; or
 - 3.** “Human or personal transporter system” defined as a self-balancing, electric-powered transportation device with two wheels, able to turn in place, and designed to transport one person in a standing position, with a top speed of 20 mph.
- E.** No person shall operate an electric mobility device in a park in an unsafe manner or at a speed exceeding 15 mph, or, when pedestrians are present, at a speed exceeding 5 mph, or fail to yield the right-of-way to all pedestrians.

20.12.180 Remote Control Vehicles, Aircraft and Watercraft.

No person shall operate any remote-controlled internal combustion powered vehicle, or any remote-controlled electric or internal combustion powered watercraft or aircraft, in, on or over any Park, except in such places the Director may designate for such use.

TITLE 22
HEARINGS OFFICER

Chapter 22.01	PURPOSE
22.01.010	Purpose.
Chapter 22.02	CODE HEARINGS OFFICER.
22.02.010	Established.
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Chapter 22.03.	CODE ENFORCEMENT PROCEDURES.
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22.03.050	Hearings Procedure.
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22.03.070	Subpoenas.
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22.03.080	Evidence.
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22.10.010	Definitions.
22.10.020	Jurisdiction.
22.10.025	Notification of Right to Appeal; Enforcement; Remedies.

- 22.10.030 Initiation of Appeal.
- 22.10.040 Hearings.
- 22.10.050 Hearings Procedure.
- 22.10.060 Nature of Determination.

Chapter 22.20 VIOLATIONS UNDER CIVIC STADIUM GOOD NEIGHBOR AGREEMENT

- 22.20.010 Authority.

(Title replaced by Ordinance No. 165704,
effective September 1, 1992.)

Chapter 22.01

PURPOSE

Section:

22.01.010 Purpose.

22.01.010 Purpose.

The purpose of this Title is to provide for the prompt, effective, and efficient enforcement of the Portland City Code so as to carry out the policies of the City of Portland as they are embodied elsewhere in this Code; to provide a fast, fair, and impartial adjudication of the alleged City Code violations; and to provide persons adversely effected by administrative determinations and decisions with an effective and, impartial appeal and review of the legality and appropriateness of the determination.

TITLE 22
HEARINGS OFFICER

Chapter 22.02

CODE HEARINGS OFFICER

Sections:

- 22.02.010 Established.
- 22.02.020 Jurisdiction.
- 22.02.030 Definitions.
- 22.02.040 Enforcement.

22.02.010 Established.

The office of Code Hearings Officer is hereby created. The Code Hearings Officer shall act on behalf of the Council in considering and applying regulatory enactments and policies pertaining to the matters set forth in other sections of this Title. The Code Hearings Officer shall be appointed in conformance with the Civil Service rules of the City.

22.02.020 Jurisdiction.

The Code Hearings Officer shall have jurisdiction over all cases submitted in accordance with the procedures and under the conditions set forth in this Code.

22.02.030 Definitions.

- A. “Code Hearings Officer”** means the Code Hearings Officer appointed pursuant to 22.02.010 and any other person designated and appointed by the Code Hearings Officer to act as Code Hearings Officer in a particular proceeding or group of proceedings.
- B. “Party”** means:
 - 1.** The City of Portland.
 - 2.** Any person named by the City as a respondent in the complaint.
 - 3.** Any person requesting and entitled to an appeal hearing pursuant to Chapter 22.10.
 - 4.** Any person requesting to participate at the hearing as a party or a limited party which the Code Hearings Officer determines has an interest in the result of the proceeding or represents a public interest in such result.

- C.** **“Respondent”** means the party or parties who the City alleges, in the complaint, to have committed a violation of City Code or to be responsible for such violation.

22.02.040 Enforcement.

(Added by Ordinance No. 170048, effective May 1, 1996.)

- A.** The City may institute appropriate suit or legal action, in law or equity, in any court of competent jurisdiction to enforce the provisions of any order of the Code Hearings Officer, including, but not limited to, a suit or action to obtain judgment for any civil penalty imposed by an order of the Code Hearings Officer pursuant to Section 22.05.010 A.5. and/or any assessment for costs or penalties imposed pursuant to Section 22.06.010 C.
- B.** Unless authorized by the Code Hearing Officer, it is unlawful for any person to knowingly enter or remain in any building or structure that the Code Hearings Officer has ordered vacated pursuant to PCC 22.05.010 C.2. In addition to any civil penalties imposed pursuant to PCC 22.05.010 A.5., any person knowingly entering or remaining in such building or structure shall upon conviction be punished by a fine of not more than \$500, or by imprisonment not exceeding six months, or both.

TITLE 22
HEARINGS OFFICER

Chapter 22.03

CODE ENFORCEMENT PROCEDURES

Sections:

22.03.010	Authority of the Code Hearings Officer to Adopt Rules, Procedures, and Forms
22.03.020	Initiation of Proceeding.
22.03.025	Setting of Hearings
22.03.030	Notice of Hearing.
22.03.040	Notice; Rights; Procedure.
22.03.050	Hearings Procedure.
22.03.060	Depositions or Subpoena of Material Witness; Discovery.
22.03.070	Subpoenas.
22.03.075	Discovery of Documents and Things.
22.03.080	Evidence.
22.03.090	Continuation of Tenancy.
22.03.100	Proposed and Final Orders.
22.03.110	Orders.
22.03.115	Petitions for Reconsideration, Rehearing

22.03.010 Authority of the Code Hearings Officer to Adopt Rules, Procedures, and Forms.

- A.** In addition to any procedure set forth elsewhere in this Code, Code enforcement proceedings before the Code Hearings Officer shall be conducted in accordance with the procedure set forth in this Chapter. The Code Hearings Officer may promulgate rules and regulations, not inconsistent with this Chapter, concerning procedure and the conduct of hearings.
- B.** The Code Hearings Officer is authorized to adopt rules, procedures, and forms to implement the provisions of Title 22.
- C.** Adoption of Rules.
 - 1.** The Code Hearings Officer may adopt rules pertaining to matters within the scope of Title 22.
 - 2.** Prior to the adoption of any rule by the Code Hearings Officer, reasonable public notice of the proposed rules shall be given not less than 30 days prior to the adoption of such rules. Such notice shall include a brief description of the proposed rules, the location at which copies of the full text of the proposed rules may be obtained, and the method of submitting written testimony or comment regarding the proposed rules.

3. Prior to adopting the rules, the Code Hearings Officer shall review and consider all written testimony and comments received and may adopt the proposed rules, or modify or reject them. If a substantial modification of the proposed rules is made, no additional public notice need be given, but notice of the proposed modifications shall be given to all persons submitting written testimony or comments and all other persons requesting such notification, and a reasonable opportunity for additional written testimony and comment shall be provided.
4. Unless otherwise stated, all rules shall be effective upon adoption by the Code Hearings Officer and shall be filed with the Auditor's Office. Copies of all current rules shall be made available to the public upon request. If any person feels aggrieved by any such rule, he or she may appeal to the Council for its amendment or repeal by filing with the Auditor a petition which shall be presented to the Council at its next regular meeting. But until amended or repealed by the Council, such rule shall be in full force and effect.
5. Notwithstanding subsections 2 and 3 of this section, the Code Hearings officer may adopt interim rules without prior notice upon a finding that failure to act promptly will result in prejudice to the public interest or to the interest of affected parties.
Any rule adopted pursuant to this subsection shall be effective for a period of not more than 180 days.

22.03.020 Initiation of Proceeding.

(Amended by Ordinance No. 174444, effective May 18, 2000.)

- A. A proceeding before the Code Hearings Officer may be initiated only as specifically authorized elsewhere in the Code.
- B. Except as provided in Sections 22.10.030 and 22.20.010 of this Title, a proceeding before the Code Hearings Officer shall be initiated only by the City filing a complaint with the Office of the Code Hearings Officer on forms provided by that Office. The complaint shall contain:
 1. The name(s) of the respondent(s).
 2. The address or location at which the violation is alleged to have occurred.
 3. A short and plain statement of the alleged violations, including a reference to the particular statutes, rules, or regulations involved.

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4. The nature of the relief sought by the City.
5. The City bureau(s) initiating the proceeding and the name, title, and signature of the person initiating the proceeding on behalf of the City.
6. Such other information as the Hearings Officer may require.

22.03.025 Setting of Hearings.

- A. Upon filing of a complaint, the Code Hearings Officer shall specify a time, date, and place for a public hearing on the complaint and the matters alleged therein.
- B. The date set for hearing shall be not less than 14 days nor more than 30 days after the date the complaint is filed, except that the Code Hearings Officer may specify a date for hearing less than 14 days after the complaint is filed where it appears that the alleged violation poses an immediate and serious hazard to the public health, safety, or welfare or to the life, health, safety, welfare, or property of any person.
- C. The Code Hearings Officer may postpone, continue, set over, or reschedule any hearing with the consent of all parties or on the motion of any party for good cause shown.

22.03.030 Notice of Hearing.

- A. The City shall give notice of the hearing, together with a copy of the complaint, to the respondent(s) and all other parties not less than five calendar days prior to the date set for hearing except that the Code Hearings Officer may set a shorter period when it appears that the alleged violation poses an immediate and serious hazard to the public health, safety, or welfare or the life, health, safety, welfare, or property of any person.
- B. The notice of hearing shall specify the time, date, and place set for the hearing.
- C. Notice may be given by any method or combination of methods which, under the circumstances, is reasonably likely to apprise the parties of the hearing. Notice may be given by:
 1. Personally delivering the notice to the party(ies), or
 2. Mailing the notice by United States mail, postage prepaid, and addressed to the residence or business address of the party(ies), or

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3. Any method authorized by the Oregon Rules of Civil Procedure for the service of summons, or
 4. Any other method authorized by the hearings officer, by rule or otherwise. If notice is given by mail, such notice shall be deemed given and received three days (Sundays and holidays not included) after the notice is deposited in the United States mail.
- D.** Notice of the hearing and a copy of the complaint shall also be given to:
1. The tenants, residents, and lessees of any building, property, or structure if the City has requested in the complaint the vacation, closure, or demolition of the building, property, or structure or if the Code Hearings Officer determines that such vacation, closure, or demolition is a reasonably possible outcome of the proceeding.
 2. Any other person who reasonably appears to have an interest in the property involved or who reasonably appears may be adversely affected by any determination, decision, or order of the Code Hearings Officer.
 3. Any person who has requested such notification. The Code Hearings Officer may provide by rule, as provided by Section 22.03.010, for the manner and means of giving notice to such persons in a manner reasonably calculated to provide such persons with actual notice of the proceedings.
- E.** The failure of any person to receive actual notice of the proceeding shall not invalidate the hearing or any determination, decision, or order of the Code Hearings Officer.

22.03.040 Notice; Rights; Procedure.

- A.** Prior to the commencement of a contested hearing, the Code Hearings Officer shall inform each party to the hearing of the following matters:
1. A general description of the hearing procedure including the order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence and what kind of objections may be made, and an explanation of the burdens of proof or burdens going forward with the evidence.
 2. That a record will be made of the proceedings and the manner of making the record and its availability to the parties.

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3. The function of the record-making with respect to the perpetuation of the testimony and evidence and with respect to any appeal from the determination or order of the Code Hearings Officer.
 4. Whether an Attorney will represent the City in the matters to be heard and whether the parties ordinarily and customarily are represented by an Attorney.
 5. The Title and function of the Code Hearings Officer, including the effect and authority of the Code Hearings Officers determination.
 6. In the event a party is not represented by an Attorney, whether the party may, during the course of proceedings, request a recess if at that point the party determines that representation by an Attorney is necessary to the protection of the party's rights.
 7. Whether there exists an opportunity for an adjournment at the end of the party then determines that additional evidence should be brought to the attention of the Code Hearings Officer and the hearing is reopened.
 8. Whether there exists an opportunity after the hearing and prior to the final determination or order of the Code Hearings Officer to review and object to any proposed findings of fact, conclusions of law, summary of evidence, or order of the Code Hearings Officer.
 9. A description of the appeal or judicial review process from the determination or order of the Code Hearings Officer.
- B.** The information required to be given to a party to a hearing under Subsection (a) of this Section may be given in writing or orally before commencement of the hearing.
- C.** The failure to give notice of any item specified in Subsection (a) of this Section shall not invalidate any determination or order of the Code Hearings Officer unless on appeal from or review of the determination or order a court finds that the failure affects the substantive rights of the complaining party. In the event of such a finding, the court shall remand the matter to the Code Hearings Officer for a reopening of the hearing and shall direct the Code Hearings Officer as to what steps shall be taken to remedy the prejudice to the rights of the complaining party.

22.03.050 Hearings Procedure.

(Amended by Ordinance No. 173369, effective May 12, 1999.)

- A.** Unless precluded by law, informal disposition of any proceeding may be made, with or without a hearing by stipulation, consent order, agreed settlement, or default. However, after issuance of notice of hearing, no building occupied as a residential structure may be vacated based on an informal disposition unless approved by the Code Hearings Officer.
- B.** Parties may elect to be represented by counsel and to respond to and present evidence and argument on all issues involved.
- C.** An order adverse to a party may be issued upon default only upon a prima facie case made on the record before the Code Hearings Officer.
- D.** Testimony shall be taken upon oath or affirmation of the witness from whom received. The Code Hearings Officer may administer oaths or affirmations to witnesses.
- E.** The Code Hearings Officer shall place on the record a statement of the substance of any written or oral ex parte communications made to the Code Hearings Officer on a fact in issue during the pendency of the proceedings. The Code Hearings Officer shall notify the parties of the communication and of their right to rebut such communications.
- F.** The record in a proceeding before the Code Hearings Officer shall include:
 - 1.** All pleadings, motions, and intermediate rulings;
 - 2.** Evidence received or considered;
 - 3.** Stipulations;
 - 4.** A statement of matters officially noticed;
 - 5.** Questions and offers of proof, objections, and rulings thereon;
 - 6.** A statement of any ex parte communications on a fact in issue made to the Code Hearings Officer during the pendency of the proceedings;
 - 7.** Proposed findings and exceptions; and
 - 8.** Any proposed, intermediate, or final order prepared by the Code Hearings Officer.

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- G.** A verbatim, written, mechanical, or electronic record shall be made on all motions, rulings, and testimony. The record shall be transcribed for the purposes of court review pursuant to Section 22.04.010 unless the parties to such review waive the transcript. If the City prevails on such review, the reasonable costs of preparing the transcript, including such costs as are specified in Section 5.48.030 of this Code, shall be allowed as a part of the City's costs in such action. However, upon petition, a court having jurisdiction to review may reduce or eliminate the charge upon finding that it is equitable to do so, or that matters of general interest would be determined by review of the order of the Code Hearings Officer.

22.03.060 Depositions or Subpoena of Material Witness; Discovery.

- A.** On petition of any party, the Code Hearings Officer may order that the testimony of any material witness be taken by deposition in the manner prescribed by law for depositions in civil actions. Depositions may also be taken via audio or audio-visual recordings. The petition shall set forth the name and address of the witness whose testimony is desired, a showing of the materiality of the witness' testimony, and a request for an order that the testimony of such witness be taken before an officer named in the petition for that purpose. If the witness resides in this State and is unwilling to appear, the Code Hearings Officer may issue a subpoena as provided to require his appearance before such officer.
- B.** The Code Hearings Officer may, by rule, prescribe other methods of discovery which may be used in proceedings before the Hearings Officer.

22.03.070 Subpoenas.

- A.** The Code Hearings Officer shall issue subpoenas to any party upon showing of general relevance and reasonable scope of the evidence sought. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the City, shall receive fees and mileage as prescribed by law for witnesses in civil actions.
- B.** If any person fails to comply with any subpoena so issued or any party or witness refuses to testify on any matters on which he may be lawfully interrogated, the judge of the Circuit Court of any county, on the application of the Code Hearings Officer, or of a designated representative of the Code Hearings Officer or of the party requesting the issuance of the subpoena, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of subpoena issued from such court or a refusal to testify therein.

22.03.075 Discovery of Documents and Things

- A.** On petition of any party and a showing of the general relevance of the documents or things sought, the Code Hearings Officer may enter an order directing any party to produce and make available to the petitioning party to inspect and copy any documents or to inspect and copy, test, or sample any things which are in the possession of a party.
- B.** The order directing a party to produce and make available documents or things may require the petitioning party to pay the party producing documents and things that party's reasonable costs associated with such production.
- C.** The Code Hearings Officer shall not enter an order requiring a party to produce any document or thing which is privileged under the rules of privilege recognized by law or which is exempt from disclosure under the Oregon Public Records Law.

22.03.080 Evidence.

- A.** Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Erroneous rulings on evidence shall not preclude action by the Code Hearings Officer on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. The Code Hearings Officer shall give effect to the rules of privilege recognized by law. Objections to evidence may be received in written form.
- B.** All evidence shall be offered and made a part of the record in the case, and except for matters stipulated to and except as provided in Subsection D of this Section, no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies of excerpts, or by incorporation by reference. The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.
- C.** Every party shall have the right of cross-examination of witnesses who testify and shall have the right to submit rebuttal evidence.
- D.** The Code Hearings Officer may take notice of judicially recognizable facts, and the Code hearings Officer may take official notice of general, technical, or scientific facts within the specialized knowledge of City employees. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of material officially noticed and they shall be afforded an opportunity to contest the facts so noticed.

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- E.** No sanction shall be imposed or order be issued except upon consideration of the whole record as supported by, and in accordance with reliable, probative, and substantial evidence.

22.03.090 Continuance of Tenancy.

After issuance of a notice of hearing, and until such time as the Code Hearings Officer issues his final decision, neither the respondent(s) nor the bureau initiating the hearing shall take any action that results in the vacation of a building used for residential occupancy without the permission of the Code Hearings Officer, except that in cases where buildings are found to be imminently hazardous, the building official or Chief Fire Marshal may order the building vacated if no other means are available to eliminate the imminent hazard.

22.03.100 Proposed and Final Orders.

The Code Hearings Officer shall prepare and mail to all parties, a proposed order including findings of fact and conclusions of law. The proposed order shall become final on the date specified in the order, which date shall not be less than 14 days after such mailing, unless the Code Hearings Officer finds that an existing violation is imminently dangerous to the health, safety, or property of any person or of the public, in which case the order may specify an earlier date.

22.03.110 Orders.

- A.** Every order adverse to a party to the proceeding shall be in writing or stated in the record and may be accompanied by an opinion.
- B.** Unless otherwise stipulated, a final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the Code Hearings Officer's order. The findings of fact and conclusions of law may be orally stated on the record by the Code Hearings Officer and those findings and conclusions incorporated in the written order by reference.
- C.** The Code Hearings Officer shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.
- D.** Every final order shall include a citation of the ordinances under which the order may be appealed or judicially reviewed.

22.03.115 Petitions For Reconsideration, Rehearing.

- A.** A party may file a petition for reconsideration or rehearing on a final order with the Code Hearings Officer within 30 days after the order is mailed.
- B.** The petition shall set forth the specific ground or grounds for requesting the reconsideration or rehearing. The petition may be supported by written argument.
- C.** The Code Hearings Officer may grant a request for reconsideration if good and sufficient reason therefor appears. If the petition is granted, an amended order shall be issued.
- D.** The Code Hearing Officer may grant a rehearing petition if good and sufficient reason therefor appears. The rehearing may be limited by the Code Hearings Officer to specific matters. If a rehearing is held, an amended order may be issued.
- E.** The Code Hearings Officer, at any time, and upon a showing of due diligence, may set aside, modify, vacate, or stay any final order, or re-open any proceeding for additional hearing when necessary to prevent a clear and manifest injustice to a party or other person adversely affected by such order.

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Chapter 22.04

JUDICIAL REVIEW

Section:

22.04.010 Judicial Review.

22.04.010 Judicial Review.

Review of the final order of a Code Hearings Officer under this Title by any aggrieved party, including the City of Portland, shall be by writ of review to the Circuit Court of Multnomah County, Oregon, as provided in ORS 34.010-34.100.

22.04.020 Appeals to Council.

(Amended by Ordinance No. 158042; repealed by Ordinance No. 158583, effective June 4, 1986.)

Chapter 22.05

POWERS

Section:
22.05.010 Order to Comply; Abatement, and Repair.

22.05.010 Order to Comply; Abatement, and Repair.
(Amended by Ordinance Nos. 171455 and 176955, effective October 9, 2002.)

- A.** The Code Hearings Officer may order a party found in violation of the Code of the City of Portland or any applicable rule or regulation issued thereunder to comply with the provisions of the Code or the applicable rule or regulation within such time as the Code Hearings Officer may by order allow. The order may require such party to do any and all of the following.

 - 1.** Make any and all necessary repairs, modifications, and/or improvements to the structure, real property, or equipment involved;
 - 2.** Abate or remove any nuisance;
 - 3.** Change the use of the building, structure, or real property involved;
 - 4.** Install any equipment necessary to achieve compliance;
 - 5.** Pay to the City of Portland a civil penalty of up to \$1,000 per day or such greater amount as may be authorized by this Code or any rules or regulations adopted thereunder.
 - 6.** Undertake any other action reasonably necessary to correct the violation or mitigate the effects thereof.
- B.** In the event any party fails to comply with any provision of an order of the Code Hearings Officer, except a provision requiring the payment of a civil penalty only, the Code Hearings Officer may authorize the City to undertake such actions as the Code Hearings Officer may determine are reasonably necessary to correct the violation and/or eliminate or mitigate the effects thereof. The City's reasonable costs of such actions may be made a lien against the affected real property pursuant to Chapter 22.06 of this Title.
- C.** Where the Code Hearings Officer finds that there is a violation of any of the provisions of Title 24, 25, 26, 27, 29, or 31, the Code Hearings Officer, in addition to the powers set out in Subsections A. and B. above, may:

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1. Authorize the Bureau of Development Services to act pursuant to Chapter 29.40 of the Code of the City of Portland;
2. Provided notice has been given to tenants, residents, and lessees as required by Section 22.03.030 D, order a building or structure vacated or demolished when it reasonably appears that such measures are reasonably required to protect the health, safety, or property of the general public, the residents of the structure, or that of adjacent landowners and residents. Where vacation or demolition is ordered, the Code Hearings Officer may direct that the person found in violation of the Code undertake any and all interim measures as may be necessary;
3. Act as the Building Code Board of Appeals in a case already before him and which requires interpretation of Title 29 of this Code;
4. Require the party found in violation of this Code to prepare a cost estimate of the repairs made necessary to achieve compliance with the Code and the impact of these repairs will have on the cost of doing business and, if applicable, future rent levels. In assessing the cost estimate under this Subsection the Code Hearings Officer may require the person found in violation to contact public and private agencies, institutions, and other sources of property improvement funds to determine the availability of funds needed for repairs.

Chapter 22.06

ASSESSMENTS

Section:

22.06.010 Assessments.

22.06.010 Assessments.

(Amended by Ordinance Nos. 171455 and 173369, effective May 12, 1999.)

- A.** Costs incurred by the City of Portland for any actions authorized by the Code Hearings Officer pursuant to Subsection 22.05.010 B and C and any civil penalty imposed as a result of an order of the Code Hearings Officer shall be an assessment lien upon the property subject to the order.
- B.** If a residential structure is ordered vacated pursuant to Sections 22.05.010 C. 2. or 29.60.070 of this Code and the City of Portland relocates the tenants of such property, then the cost incurred by the City for relocating the tenants as provided by ORS 90.450 shall be an assessment lien upon the property vacated and from which the tenants are relocated.
- C.** The bureau incurring such costs shall furnish a statement of such costs on the owner, in person or by United States Mail, postage prepaid and addressed to the owner(s) at the owner(s) residence or place of business, and shall file a copy of such statement for the Code Hearings Officer with proof of service attached. If no objection to such statement is filed with the Office of the Code Hearings Officer within 15 days from the date of service or mailing, the Code Hearings Officer shall certify such statement and forward the same to the Office of the City Auditor who shall forthwith enter the same in the City lien docket.

 - 1.** If an objection to the statement is received within the 15-day period, the Code Hearings Officer shall schedule and hold an appeal hearing pursuant to Chapter 22.10. After the hearing, the Code Hearing Officer shall certify such statement, or so much of it as he determines is correct and proper, and forward it to the Office of the City Auditor who shall enter it into the City lien docket.
 - 2.** The Code Hearings Officer shall certify to the Office of the City Auditor the amount of any civil penalty imposed under any order of the Code Hearings Officer, and the City Auditor shall enter it into the City lien docket. The lien imposed for the civil penalty shall be in addition to any lien imposed for costs actually incurred by the City.

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3. The bureau incurring costs or providing services may file separate statements for the costs and services furnished as each is incurred or provided.
 4. Liens imposed pursuant to this Title shall be collected in all respects as provided for in Section 5.30.025 Collection Process.
- D.** In addition to the lien imposed under this Section, any person found to be in violation of the Code of the City of Portland shall be personally liable for costs incurred by the City pursuant to Section 22.05.010 B and C and for any civil penalty imposed by order of the Code Hearings Officer. In cases of person found to be in violation of the Code of the City of Portland as owners of property, the persons shall be personally liable hereunder only if they have control of the property, the legal authority to correct the violation, and knowingly have committed the violation.

Chapter 22.10

**APPEALS TO THE CODE HEARINGS
OFFICER**

Sections:

22.10.010	Definitions.
22.10.020	Jurisdiction.
22.10.025	Notification of Right to Appeal; Enforcement; Remedies.
22.10.030	Initiation of Appeal.
22.10.040	Hearings.
22.10.050	Hearings Procedure.
22.10.060	Nature of Determination.

22.10.010 Definitions.

(Amended by Ordinance No. 187151, effective September 1, 2015.) For the purpose of this Chapter:

- A. “City bureau”** means and includes any bureau, division, Board, Committee, officer, agent, or employee of the City of Portland.
- B. “Decision or determination”** means and includes any decision, determination, order, or other action of any City bureau. Decisions or determinations do not include any action, decision, determination, or order applying Title 33 or Chapter 16.30 of the Code.

22.10.020 Jurisdiction.

- A.** Whenever, pursuant to any portion of this Code, a person has the right of appeal to the Code Hearings Officer from any City bureau decision or determination, such appeal shall be in accordance with the procedures and under the conditions set forth in this Chapter.
- B.** No person shall have a right of appeal to the Code Hearings Officer unless the right of appeal is expressly provided for in this Code.

22.10.025 Notification of Right to Appeal; Enforcement; Remedies.

(Added by Ordinance No. 187151, effective September 1, 2015.)

- A.** City bureaus shall give notice of the right to appeal to the Code Hearings Officer in accordance with Section 3.130.020.

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- B.** Where the Code, in accordance with Section 22.10.020, provides that an administrative appeal as defined in Section 3.130.010 is to be decided by the Code Hearings Officer, the Code Hearings Officer shall have the authority to enforce the requirements of Section 3.130.020 and may adopt evidentiary requirements by rule.
 - 1.** If, in deciding such an administrative appeal, the Code Hearings Officer finds that a City bureau has failed to provide notice in accordance with Section 3.130.020, the Code Hearings Officer may order a just and reasonable remedy related to the failure to provide notice, including remanding the administrative act that is the subject of the administrative appeal, reducing any fees and penalties associated with the administrative act, staying the effect of the administrative act pending the outcome of the administrative appeal, or invalidating the administrative act if failure to provide notice materially prejudiced the appellant. Nothing in this Subsection shall be construed to allow the Code Hearings Officer to award monetary damages to the appellant.

22.10.030 Initiation of Appeal.

(Amended by Ordinance No. 187151, effective September 1, 2015.)

- A.** Unless otherwise specified in this Code, a request for an appeal hearing shall be filed within 10 business days after the date of the decision or determination. The Code Hearings Officer may waive this requirement for good cause shown.
- B.** The request for an appeal hearing shall be filed directly with the Code Hearings Office. The request shall be in writing and shall contain:
 - 1.** a completed appeal form the Code Hearings Officer shall create by rule;
 - 2.** a copy of the decision or determination appealed from and a statement of grounds upon which it is contended that the decision or determination is invalid, unauthorized, or otherwise improper; and
 - 3.** any other information as the Code Hearings Officer may by rule require.
- C.** By presenting to the Code Hearings Officer an appeal or other paper – whether by signing, filing, submitting or later advocating it – a person or party certifies that to the best of the person’s or party’s knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:
 - 1.** the appeal or paper is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase costs;

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2. the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
 3. the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
 4. the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or lack of information.
- D.** The Code Hearings Officer shall adopt by rule no more than a nominal filing fee for an appeal hearing. Except for Section 24.55.200 of Code, this fee supersedes and replaces all other fee schedules to bring an appeal before the Code Hearings Officer provided for elsewhere in this Code or administrative rule. Filing fees are nonrefundable, and are paid directly to the Code Hearings Office.
1. The Code Hearings Officer may waive the filing fee if the party seeking the waiver demonstrates an inability to pay due to financial hardship. The Code Hearings Officer shall adopt rules to implement the fee waiver application procedure.

22.10.040 Hearings.

- A.** Upon receipt of a request for hearing, the Code Hearings Officer shall schedule and hold an appeal hearing within 30 days after the receipt of such request.
- B.** Notice of the time, date, and place of hearing shall be given to the person requesting the hearing and to the City bureau whose decision or determination is being appealed. Notice shall also be given to any person who reasonably appears may be adversely affected should the decision or determination not be sustained after hearing. The Code Hearings Officer may provide by rule for the manner of providing notice to such persons.
- C.** The time for hearing may be extended by the Code Hearings Officer for good cause shown, upon such terms and conditions as the Code Hearings Officer shall deem just and appropriate.

22.10.050 Hearings Procedure.

(Amended by Ordinance No. 187151, effective September 1, 2015.)

- A.** Hearings shall be conducted in accordance with the procedures set forth in Sections 22.03.050 to 22.03.115 of this Title.

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- B.** With the consent of all parties, the Code Hearings Officer may determine the matter without hearing upon the record.
- C.** The Code Hearings Officer may sustain, modify, reverse, or annul the decision or determination appealed from or the Code Hearings Officer may remand the decision or determination to the City bureau for such reconsideration, additional consideration, or further action as the Code Hearings Officer may direct.
 - 1.** Whenever a City decision or determination is sustained on appeal and it is for recovery of money or civil penalties, the Code Hearings Officer shall award postjudgment interest at the rate set by ORS 82.010(2), unless the rate is otherwise specified in this Code.
- D.** Upon motion of a party or upon the Code Hearings Officer's own motion, the Code Hearings Office may impose sanctions against a person or party who violates Subsection 22.10.030 C.
 - 1.** Upon a motion for sanctions, the Hearings Officer shall direct the person or party to appear before the Code Hearings Officer and show cause why sanctions should not be imposed.
 - 2.** The evidence that a person or party violated Subsection 22.10.030 C. must be clear and convincing to authorize the imposition of sanctions.
 - 3.** Sanctions under this Section may include amounts sufficient to reimburse the City bureau for costs and other expenses incurred by reason of the Subsection 22.10.030 C. violation, prejudgment interest at the rate set by ORS 82.010(2) unless the rate is otherwise specified in this Code, and a civil penalty not to exceed \$10,000 sufficient to deter repetition of the violation or comparable violations by others similarly situated.
 - 4.** An order imposing sanctions under this Section must describe the sanctioned conduct, explain the basis of the sanction, and state the amount of the sanction.
- E.** The decision or determination appealed from shall be reviewed de novo by the Code Hearings Officer.

22.10.060 Nature of Determination.

The determination of the Code Hearings Officer is a quasi-judicial decision and is not appealable to Council; appeals from any determination by the Code Hearings Officer shall be by writ of review to the Circuit Court of Multnomah County, Oregon, as provided in ORS 34.010-34.100.

Chapter 22.20

**VIOLATIONS UNDER
CIVIC STADIUM GOOD
NEIGHBOR AGREEMENT**

(Chapter added by Ordinance No. 174444,
effective May 18, 2000.)

Section:

22.20.010 Authority.

22.20.010 Authority.

- A.** The Code Hearings Officer is authorized to hear and determine complaints from the Goose Hollow Foothills League and the Northwest District Association brought pursuant to the terms of the Civic Stadium Good Neighbor Agreement and to impose orders and penalties consistent with the terms of that Agreement.
- B.** Any party to the Civic Stadium Good Neighbor Agreement may appeal a decision of the Code Hearings Officer to the City Council by filing a notice of appeal within 30 days from the date of the of the decision. The notice shall be filed with the Auditor's office and shall be mailed by first class mail to all other parties to the Agreement. The appeal will be conducted on the record before the Code Hearings Officer and not de novo.

Chapter 24.85

**SEISMIC DESIGN
REQUIREMENTS FOR EXISTING
BUILDINGS**

(Added by Ordinance No. 168627,
effective Mar. 22, 1995.)

Sections:

24.85.010	Scope.
24.85.015	Structural Design Meeting.
24.85.020	Seismic Related Definitions.
24.85.030	Seismic Improvement Standards.
24.85.040	Change of Occupancy or Use.
24.85.050	Building Additions or Structural Alterations.
24.85.051	Mezzanine Additions.
24.85.055	Structural Systems Damaged by Catastrophic Events.
24.85.056	Structural Systems Damaged by an Earthquake.
24.85.060	Required Seismic Evaluation
24.85.065	Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings.
24.85.067	Voluntary Seismic Strengthening.
24.85.070	Phasing of Improvements.
24.85.075	Egress Through Existing Buildings.
24.85.080	Application of Other Requirements.
24.85.090	Fee Reductions.
24.85.095	Appeals.

24.85.010 Scope.

(Amended by Ordinance No. 178831, effective November 20, 2004.)

- A.** The provisions of this chapter prescribe the seismic design requirements for existing buildings undergoing changes of occupancy, additions, alterations, catastrophic damage, fire, or earthquake repair, or mandatory or voluntary seismic strengthening. The requirements of this chapter only apply to buildings for which a building permit has been applied for to change the occupancy classification, add square footage to the building, alter or repair the building.

- B.** Under the authority provided by State law, the provisions of this chapter prescribing seismic rehabilitation standards for existing buildings can be used in lieu of meeting the requirements of the current edition of the State of Oregon Structural Specialty Code.

TITLE 24

BUILDING REGULATIONS

24.85.015 Structural Design Meeting.

(Added by Ordinance No. 178831, effective November 20, 2004.) Upon request, BDS engineering staff is available to meet with an owners design engineer to review proposed seismic strengthening plans in a pre-design meeting. A written record of the meeting discussion and determinations will be placed in the permit record.

24.85.020 Seismic Related Definitions.

(Amended by Ordinance Nos. 169427, 170997, 178831, 180917 and 187192, effective July 17, 2015.) The definitions contained in this Section relate to seismic design requirements for existing buildings outlined in this Chapter.

- A. ASCE 41** means the Seismic Evaluation and Retrofit of Existing Buildings ASCE/SEI 41-13 published by the American Society of Civil Engineers and the Structural Engineering Institute.
- B. ASCE 41 Evaluation** means the process of evaluating an existing building for the potential earthquake-related risk to human life posed by that building, or building component, and the documentation of that evaluation, performed and written according to the provisions of ASCE 41. Tier 1 and Tier 2 deficiency based evaluation for both structural and non-structural components using the Basic Performance Objective for Existing Buildings (BPOE) as defined in ASCE 41 shall be the performance objective for the evaluation, unless a Tier 3 evaluation is required by ASCE 41
- C. ASCE 41-BPOE Improvement Standard** means the Tier 1 and Tier 2 Deficiency based retrofit for both structural and non-structural components using the Basic Performance Objective for Existing Buildings (BPOE) as defined in ASCE 41, unless a Tier 3 evaluation is required by ASCE 41.
- D. ASCE 41-BPON Improvement Standard** means Tier 3 Retrofit for both structural and non-structural components using the Basic Performance Objective Equivalent to New Buildings (BPON) as defined in ASCE 41.
- E. ATC 20** means the latest Edition of the manual on “Procedures for Post Earthquake Safety Evaluation of Buildings” published by Applied Technology Council.
- F. BDS** means the City of Portland’s Bureau of Development Services.
- G. BPOE-** Basic Performance Objective for Existing Buildings: A series of defined Performance Objectives based on a building’s Risk Category meant for evaluation and retrofit of existing buildings; See Table 2-1 of ASCE 41.

- H. BPON-** Basic Performance Objective Equivalent to New Building Standards: A series of defined Performance Objectives based on a building's Risk Category meant for evaluation and retrofit of existing buildings to achieve a level of performance commensurate with the intended performance of buildings designed to a standard for new construction; See Table 2-2 of ASCE 41.
- I. BSE-1E:** Basic Safety Earthquake-1 for use with the Basic Performance Objective for Existing Buildings, taken as a seismic hazard with a 20 percent probability of exceedance in 50 years, except that the design spectral response acceleration parameters S_x s and S_x1 for BSE-1E seismic hazard level shall not be taken as less than 75 percent of the respective design spectra response acceleration parameters obtained from BSE-1N seismic hazard level and need not be greater than BSE-2N at a site.
- J. BSE-1N:** Basic Safety Earthquake-1 for use with the Basic Performance Objective Equivalent to New Buildings Standards, taken as two-thirds of the BSE- 2N.
- K. BSE-2E:** Basic Safety Earthquake-2 for use with the Basic Performance Objective for Existing Buildings, taken as a seismic hazard with a 5 percent probability of exceedance in 50 years, except that the design spectral response acceleration parameters of S_x s and S_x1 for BSE-2E seismic hazard level shall not be taken as less than 75 percent of the respective design spectra response acceleration parameters obtained from BSE- 2N Seismic hazard level and may not be greater than BSE-2N at a site.
- L. BSE-2N:** Basic Safety Earthquake-2 for use with the Basic Performance Objective Equivalent to New Buildings Standards, taken as the ground shaking based on Risk-Targeted Maximum Considered Earthquake (MCE_R) per ASCE 7 at a site.
- M. Building Addition** means an extension or increase in floor area or height of a building or structure.
- N. Building Alteration** means any change, addition or modification in construction.
- O. Catastrophic Damage** means damage to a building that causes an unsafe structural condition from fire, vehicle collision, explosion, or other events of similar nature.
- P. Essential Facility** has the same meaning as defined in the OSSC.

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- Q. Fire and Life-safety for Existing Buildings (FLEx) Guide** means a code guide published by the Bureau of Development Services, outlining alternative materials and methods of construction that are allowed for existing buildings in Portland.
- R. FM 41 Agreement** means a joint agreement between Portland Fire & Rescue, the Bureau of Development Services and a building owner to schedule improvements to the building following a determination of the fire and life safety hazards posed by the existing condition of the building as provided under Oregon law.
- S. Live/Work Space** means a combination working space and dwelling unit. A live/work space includes a room or suite of rooms on one or more floors designed for and occupied by not more than one family and including adequate working space reserved for the resident's occupancy. A live/work space is individually equipped with an enclosed bathroom containing a lavatory, water closet, shower/and or bathtub and appropriate venting.
- T. Net Floor Area** means the entire area of a structurally independent building, including an occupied basement, measured from the inside of the permanent outer building walls, excluding any major vertical penetrations of the floor, such as elevator and mechanical shafts.
- U. Occupant Load** means the number of persons for which the means of egress of a building or portion thereof is designed. The occupant load shall be calculated based on occupant load factors in the table assigned to each space in the Oregon Structural Specialty Code (OSSC).
- V. Oregon Structural Specialty Code (OSSC)** means the provisions of the State of Oregon Structural Specialty Code as adopted by Section 24.10.040 A.
- W. Reinforced Masonry** means masonry having both vertical and horizontal reinforcement as follows:
1. Vertical reinforcement of at least 0.20 in² in cross-section at each corner or end, at each side of each opening, and at a maximum spacing of 4 feet throughout. One or two story buildings may have vertical reinforcing spaced at greater than 4 feet throughout provided that a rational engineering analysis is submitted which shows that existing reinforcing and spacing provides adequate resistance to all required design forces without net tension occurring in the wall.
 2. Horizontal reinforcement of at least 0.20 in² in cross-section at the top of the wall, at the top and bottom of wall openings, at structurally connected roof and floor openings, and at a maximum spacing of 10 feet throughout.

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- 3. The sum of the areas of horizontal and vertical reinforcement shall be at least 0.0005 times the gross cross-sectional area of the element.
- 4. The minimum area of reinforcement in either direction shall not be less than 0.000175 times the gross cross-sectional area of the element.
- X. **Risk Category:** A categorization of a building for determination of earthquake performance based on Oregon Structural Specialty Code (OSSC).
- Y. **Roof Covering Repair or Replacement** means the installation of a new roof covering following the removal of an area of the building's roof covering exceeding 50 percent or more of the total roof area within the previous five year period.
- Z. **Unreinforced Masonry (URM)** means adobe, burned clay, concrete or sand-lime brick, hollow clay or concrete block, hollow clay tile, rubble and cut stone and unburned clay masonry that does not satisfy the definition of reinforced masonry as defined herein. Plain unreinforced concrete shall not be considered unreinforced masonry for the purpose of this Chapter.
- AA. **Unreinforced Masonry Bearing Wall** means a URM wall that provides vertical support for a floor or roof for which the total superimposed vertical load exceeds 100 pounds per lineal foot of wall.
- BB. **Unreinforced Masonry Bearing Wall Building** means a building that contains at least one URM bearing wall.

24.85.030 Seismic Improvement Standards.

(Amended by Ordinance Nos. 170997 and 178831, effective November 20, 2004.) For changes of occupancy structural additions, building alterations and catastrophic or earthquake damage repair, the design standard shall be the current edition of the OSSC unless otherwise noted by this Chapter.

24.85.040 Change of Occupancy or Use.

(Amended by Ordinance Nos. 169905, 170997, 178831 and 187192, effective July 17, 2015.) The following table shall be used to classify the relative hazard of all building occupancies:

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TABLE 24.85-A		
Relative Hazard Classification	OSSC Occupancy Classification	Seismic Improvement Standard
5 (Highest)	A, E, I-2, I-3, H-1, H-2, H-3, H-4, H-5	OSSC or ASCE 41-BPON
4	R-1, R-2, SR, I-1, I-4	
3	B, M	41-BPOE
2	F-1, F-2, S-1, S-2	
1 (Lowest)	R-3, U	

- A. Occupancy Change to a Higher Relative Hazard Classification.** An occupancy change to a higher relative hazard classification will require seismic improvements based upon the factors of changes in the net floor area and the occupant load increases as indicated in Table 24.85-B below. All improvements to either the OSSC or ASCE 41 improvement standard shall be made such that the entire building conforms to the appropriate standard indicated in Table 24.85-B.

TABLE 24.85-B				
Percentage of Building Net Floor Area Changed		Occupant Load Increase	Required Improvement Standard	Relative Hazard Classification
1/3 of area or less	and	Less than 150	None	1 through 5
More than 1/3 of area	or	150 and above	ASCE 41-BPOE	1, 2, and 3
More than 1/3 of area	or	150 and above	OSSC or ASCE 41-BPON	4 and 5

Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not exceed 1/3 of the building net floor area or add more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

- B. Occupancy Change to Same or Lower Relative Hazard Classification.** An occupancy change to the same or a lower relative hazard classification or a change in use within any occupancy classification will require seismic improvements using either the OSSC or ASCE 41 improvement standard, as identified in Table 24.85-A above, where the change results in an increase in occupant load of more than 149 people as defined by the OSSC. Where seismic improvement is required, the entire building shall be improved to conform to the appropriate improvement standard identified in Table 24.85-A.

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Multiple occupancy changes to a single building may be made under this section without triggering a seismic upgrade provided the cumulative changes do not result in the addition of more than 149 occupants with respect to the legal building occupancy as of October 1, 2004.

- C.** Occupancy Change to Live Work Space. Any building occupancy classified as relative hazard category 1, 2, or 3 may undergo a change of occupancy to live/work space provided that:
- 1.** The building shall be improved such that the entire building conforms to the ASCE 41-BPOE improvement standard; and
 - 2.** The building meets the fire and life safety standards of either the FLEEx Guide or the current OSSC.
 - 3.** Any Unreinforced Masonry bearing wall building converted to live/work space, regardless of construction costs, shall be improved such that the entire building conforms to the ASCE 41-BPOE improvement standard.
- D.** Occupancy Change to Essential Facilities. All structures which are being converted to essential facilities, as defined in the OSSC, shall comply with current state code seismic requirements or ASCE 41-BPON improvement standard, regardless of other requirements in this section.

24.85.050 Building Additions or Structural Alterations.

(Amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015.) An addition that is not structurally independent from an existing building shall be designed and constructed such that the entire building conforms to the seismic force resistance requirements for new buildings unless the following two conditions listed below are met. Furthermore, structural alterations to an existing building or its structural elements shall also meet the following two conditions:

- A.** The addition or structural alteration shall comply with the requirements for new buildings; and
- B.** Any existing lateral load-carrying structural element whose demand-capacity ratio with the addition(s) or structural alteration(s) considered is no more than 10 percent greater than its demand-capacity ratio with the addition(s) or structural alteration(s) ignored shall be permitted to remain unaltered. For purposes of this paragraph, comparisons of demand-capacity ratios and calculation of design lateral loads, forces, and capacities shall account for the cumulative effects of additions and structural alterations since original construction.

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24.85.051 Mezzanine Additions.

(Added by Ordinance No. 178831, effective November 20, 2004.) A mezzanine addition shall not require seismic strengthening of the entire building when all of the following conditions are met:

- A.** Entire building strengthening is not required by any other provision contained in this Title;
- B.** The net floor area of the of the proposed mezzanine addition is less than 1/3 of the net floor area of the building;
- C.** The mezzanine addition does not result in an occupant load increase, as defined by the OSSC, of more than 149 people; and
- D.** Subsections 24.85.050 A. - C. shall also apply to mezzanine additions.

24.85.055 Structural Systems Damaged by Catastrophic Events.

(Added by Ordinance No. 170997; amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015.)

- A.** Building Lateral Load Resisting systems along any principal axis damaged less than or equal to 50 percent.
 - 1.** If a building is damaged by a catastrophic event such that less than or equal to 50 percent of the capacity of the existing lateral load resisting system along any principal axis of the building are damaged, only the damaged lateral load resisting components of the building's structural system must be designed and constructed to current provisions of the OSSC. These components must also be connected to the balance of the undamaged lateral load resisting system in conformance with current code provisions. Undamaged components need not be upgraded to current lateral load provisions of the current code, unless required by other provisions of this title.
 - 2.** New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer shall confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 41, where they did not previously exist, or make existing conditions more hazardous.

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- B.** Building Lateral Load Resisting systems along any principal axis damaged more than 50 percent. Where a building is damaged by a catastrophic event such that more than 50 percent of the capacity of the existing lateral load resisting system along any principal axis of the building is damaged, all lateral load resisting components of the entire building's structural system along that principal axis must be designed and constructed to the current provisions of the OSSC or ASCE 41-BPON improvement standard.

24.85.056 Structural Systems Damaged by an Earthquake.

(Added by Ordinance No. 178831; amended by Ordinance No. 187192, effective July 17, 2015.) As a result of an earthquake, the Director may determine through either an ATC 20 procedure or through subsequent discovery any structure or portion thereof to be in an unsafe condition as defined by State law. As a result of making this determination, the Director may declare the structure or portion thereof to be a public nuisance and to be repaired or rehabilitation as provided in Subsections 24.85.056 A.-C., or abated by demolition or removal in accordance with Title 29. For the purposes of this Section, an "unsafe condition" includes, but is not limited to any portion, member or appurtenance of a building that has become detached or dislodged or appears likely to fail or collapse and thereby injure persons or damage property; or any portion of a building or structure that has been damaged to the extent that the structural strength or stability of the building is substantially less than it was prior to the damaging event.

- A.** Buildings built prior to January 1, 1974 with lateral support systems that have unsafe conditions shall be repaired or improved to resist seismic forces such that the repaired lateral system conforms to the ASCE 41-BPOE improvement standard.
- 1.** Where less than 50 percent of the lateral support system has been damaged, only the damaged elements must be repaired.
 - 2.** Where 50 percent or more of the lateral support system has been damaged, then the entire lateral support system must be repaired to resist seismic forces such that the repaired system conforms to the ASCE 41-BPOE improvement standard.
- B.** Buildings built on or after January 1, 1974 with lateral support systems that have unsafe conditions shall be repaired or improved to resist seismic forces such that the repaired lateral system conforms to the code to which the building was originally designed, but not less than that required to conform to the ASCE 41-BPOE improvement standard.
- 1.** Where less than 50 percent of the lateral support system has been damaged, only the damaged elements must be repaired.

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2. Where 50 percent or more of the lateral support system has been damaged, then the entire lateral support system must be repaired to resist seismic forces such that the repaired system conforms to the code to which the building was originally designed, but not less than that required to conform to the ASCE 41-BPOE improvement standard.
- C. New lateral system vertical elements must be compatible with any existing lateral system elements, including foundations. In multistory buildings, the engineer shall confirm that the new lateral system vertical elements do not introduce soft or weak story seismic deficiencies, as defined by ASCE 41, where they did not previously exist, or make existing conditions more hazardous.

24.85.060 Required Seismic Evaluation.

(Added by Ordinance No. 169427; amended by Ordinance Nos. 178831 and 187192, effective July 17, 2015). When an alteration for which a building permit is required has a value (not including costs of mechanical, electrical, plumbing, permanent equipment, painting, fire extinguishing systems, site improvements, eco-roofs and finish works) of more than \$175,000, an ASCE 41 evaluation is required. This value of \$175,000 shall be modified each year after 2004 by the percent change in the R.S Means Construction Index for Portland on file with the Director. A letter of intent to have an ASCE 41 evaluation performed may be submitted along with the permit application. The evaluation must be completed before any future permits will be issued. The following shall be exempted from this requirement:

- A. Buildings constructed or renovated to seismic zone 2, 2b or 3 under a permit issued after January 1, 1974.
- B. Detached One- and two-family dwellings, and their accessory structures.
- C. Single story, light frame metal and light wood frame buildings, not more than 20 feet in height from the top surface of the lowest floor to the highest interior overhead finish and ground area of 4,000 square feet or less.

A previously prepared seismic study may be submitted for consideration by the Director as equivalent to an ASCE 41 evaluation.

24.85.065 Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings.

(Added by Ordinance No. 169427; amended by Ordinance Nos. 170997, 178831 and 187192, effective July 17, 2015). When any building alterations or repairs occur at an Unreinforced Masonry Bearing Wall Building, all seismic hazards shall be mitigated as set forth in Subsections 24.85.065 A. and B. A previously permitted seismic strengthening scheme designed in accordance with FEMA 178/310/ASCE 31 may be submitted for consideration by the Bureau Director as equivalent to the ASCE 41 improvement standard:

- A. Roof Repair or Replacement.** When a roof covering is repaired or replaced, as defined in 24.85.020, the building structural roof system, anchorage, and parapets shall be repaired or rehabilitated such that, at a minimum, the wall anchorage for both in-plane and out-of-plane forces at the roof and parapet bracing conform to the ASCE 41-BPOE improvement standard. In-plane brick shear tests are not required as part of the ASCE evaluation under this subsection.

B. Additional Triggers.

- 1. Building alterations or repair.** When the cost of alteration or repair work which requires a building permit in a 2 year period exceeds the following criteria, then the building shall be improved to resist seismic forces such that the entire building conforms to the ASCE 41-BPOE improvement standard.

Table 24.85-C	
Building Description	Cost of Alteration or Repair
Single Story Building	\$40 per square foot
Buildings Two Stories or Greater	\$30 per square foot

- 2. Special building hazards.** Where an Unreinforced Masonry Building of any size contains any of the following hazards, the building shall be seismically improved if the cost of alteration or repair exceeds \$30 per square foot:
- a.** The Building possesses an Occupancy Classification listed within the Relative Hazard Category 5 as determined in Section 24.85.040 of this Chapter; or
 - b.** The building is classified as possessing either vertical or plan irregularities as defined in the OSSC.
- 3. Exclusions from cost calculations.** Costs for site improvements, eco-roofs, mandated FM41 agreements, mandated ADA improvements, mandated non-conforming upgrades under Title 33, mandated elevator improvements and mandated or voluntary seismic improvements or work exempted from permit as described in Chapter 1 of the OSSC will not be included in the dollar amounts listed in Subsections 24.85.065 B.1. and 2.
- 4. Live/Work spaces in Unreinforced Masonry buildings.** See Section 24.85.040 B for requirements when a Unreinforced Masonry building is converted to contain live/work spaces.

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- 5. Automatic cost increase.** The dollar amounts listed in Subsections 24.85.065 B.1. and 2. shall be modified each year after 2004 by the percent change in the R.S. Means of Construction Cost Index for Portland, Oregon. The revised dollar amounts will be made available at the Development Services Center.

24.85.067 Voluntary Seismic Strengthening.

(Added by Ordinance No. 178831, effective November 20, 2004.) Subject to permit approval, a building may be strengthened to resist seismic forces on a voluntary basis provided all of the following conditions are met:

- A.** Mandatory seismic strengthening is not required by other provisions of this Title;
- B.** The overall seismic resistance of the building or elements shall not be decreased such that the building is more hazardous;
- C.** Testing and special inspection are in accordance with the OSSC and the City of Portland Administrative Rules;
- D.** The standard used for the seismic strengthening is clearly noted on the drawings along with the pertinent design parameters; and
- E.** A written narrative shall be clearly noted on the drawings summarizing the building lateral system, seismic strengthening and known remaining deficiencies. The summary information shall reflect the level of analysis that was performed on the building.

24.85.070 Phasing of Improvements.

(Amended by Ordinance No. 178831, effective November 20, 2004.)

- A.** The Director may approve a multi-year phased program of seismic improvements when the improvements are pre-designed and an improvement/implementation plan is approved by the Director. The maximum total time allowed for completion of phased improvements shall be ten years. A legal agreement between the building owner and the City of Portland shall be formulated outlining the phased seismic improvements and shall be recorded with the property deed at the County.
- B.** Upon review, the Director may extend the maximum time for the phased improvements. The Director shall adopt rules under Section 3.30.035 describing the process for granting an extension.

24.85.075 Egress Through Existing Buildings.

(Added by Ordinance No. 178831, effective November 20, 2004.) The building structure and seismic resistance of an egress path through, under or over an existing building must

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meet the required seismic improvement standard specified in Section 24.85.040, Table 24.85-A, under any of the following conditions:

- A. The egress path is from an adjacent new building or addition and the new building or addition area equals 1/3 or more of the existing building area; or,
- B. The egress path is from an adjacent existing building that undergoes alterations or a change of occupancy requiring its egress path(s) meet the seismic improvement standards as required by this Chapter; or
- C. The additional occupant load, as determined by the OSSC, using the egress path through the existing building is 150 people or more.

24.85.080 Application of Other Requirements.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Building permit applications to improve the seismic capability of a building shall not trigger: accessibility improvements so long as the seismic improvement does not lessen accessibility; fire life safety improvements so long as the seismic improvement does not lessen the buildings fire resistance or exiting capability; landscape improvements required by Chapter 33; street tree improvements required by Section 20.40.070.

Conformance with these regulations may not exempt buildings from future seismic regulations.

24.85.090 Fee Reductions.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Building permit, plan review and fire life safety review fees for structural work related to seismic strengthening covered by this Chapter will be waived when such fees total less than \$2,500, and will be and reduced by 50% when such fees would total \$2,500 or more.

24.85.095 Appeals.

(Amended by Ordinance No. 178831, effective November 20, 2004.) Because unanticipated circumstances may arise in the enforcement of these requirements for existing buildings, consideration as to the reasonable application of this Chapter may be addressed through the Board of Appeals as provided in Section 24.10.080.

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Chapter 24.90

**MANUFACTURED DWELLING INSTALLATION AND ACCESSORY
STRUCTURES, MANUFACTURED DWELLING PARKS,
RECREATION PARKS, RECREATIONAL PARK
TRAILER INSTALLATION AND ACCESSORY STRUCTURES**

(Added by Ordinance No. 169312;
Amended by Ordinance No. 185798
effective December 12, 2012).

Sections:

- 24.90.010 Purpose.
- 24.90.020 Scope.
- 24.90.030 Adoption of Codes and Regulatory Authority.
- 24.90.040 Definitions.
- 24.90.050 Administration and Enforcement.
- 24.90.060 Special Regulation.
- 24.90.070 Permit Application.
- 24.90.080 Violations.
- 24.90.090 Appeals.

24.90.010 Purpose.

The purpose of this Chapter is to provide minimum standards for the following:

- A. Installation and maintenance of manufactured dwellings and accessory structures.
- B. Development and maintenance of manufactured dwelling parks.
- C. Installation and maintenance of park trailers and recreational vehicle accessory structures.
- D. Development and maintenance of recreational vehicle parks.

24.90.020 Scope.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Regulation under this Chapter covers all installations or alteration of manufactured dwellings, recreational park trailers and other recreational vehicles, and accessory structures. Regulation under this Chapter covers the development and maintenance of manufactured dwelling parks, recreational vehicle parks, recreation parks, picnic parks, and organizational camps.

24.90.030 Adoption of Codes and Regulatory Authority.

(Amended by Ordinance Nos. 176955 and 185798, effective December 12, 2012.)

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- A.** Manufactured Dwelling Installation Specialty Code. The provisions of the State of Oregon, Manufactured Dwelling Installation Specialty Code, 2010 Edition, as developed at the direction of the Building Codes Division of the Oregon Department of Consumer and Business Services through the Residential and Manufactured Structures Board, is hereby adopted by reference. The Manufactured Dwelling Installation Specialty Code is on file in the Development Services Center of the City of Portland.
- B.** Manufactured Dwelling and Park Specialty Code. The following provisions of the State of Oregon, Manufactured Dwelling and Park Specialty Code, 2002 Edition, as developed at the direction of the Oregon Building Codes Division Administrator through the Oregon Manufactured Structures and Parks Advisory Board, a copy of which is on file in the Development Services Center of the City of Portland, are hereby adopted by reference:
- 1.** All of Chapter One (Administration), except the following:
- a.** 1-1.4 (Design Loads)
 - b.** 1-2.4 (Energy Conservation Equivalents)
 - c.** 1-3 (Manufactured Dwellings Sold “As Is”)
 - d.** 1-6.7 (Plot Plans Required)
 - e.** 1-6.8 (Plot Plans Not Required)
 - f.** 1-6.11 (Multiple-family Housing Plans)
 - g.** 1-7.12 (Manufactured Dwelling Installation Permits)
 - h.** 1-8.6 (Visual Inspections)
 - i.** 1-8.7 (Appliance Inspections)
 - j.** 1-8.9 (Alteration Inspections)
 - k.** 1-8.11 (Quality Assurance Inspections)
 - l.** 1-8.13 (Installation Inspections)
 - m.** 1-9 (Insignias and Labels)

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- n. 1-10 (Certifications), except section 1-10.2.1 (Certificates of Occupancy Required) is adopted
 - o. 1-11 (License Required) –all, except for introductory language and paragraph (h) in 1-11.3 (Electrical) and introductory language and paragraph (i) in 1-11.4 (Plumbing) are adopted
 2. All of Chapter Ten (Manufactured Dwelling Park Construction) and the corresponding tables and figures
 3. Appendix A (Definitions)
 4. Appendix B (Acronyms)
 5. Appendix C (Symbols)
- C. The City of Portland through the Bureau of Development Services (“Bureau”) adopts regulatory authority for the installation maintenance and alteration of manufactured dwellings and accessory structures as authorized in ORS 446.250 and 446.253, and OAR 918-500-0055; for the development and maintenance of manufactured dwelling parks as authorized in ORS 446.062 and 446.430 and OAR 918-600-0010; for the development and maintenance of recreation parks, picnic parks and organizational camps as authorized in ORS 455.170; and for the installation, maintenance and alteration of residential park trailers, other recreational vehicles and accessory structures as authorized in ORS 455.170 and OAR 918-525-0370. Nothing contained herein provides regulatory authority when delegation of authority is expressly withheld by the State.

24.90.040 Definitions.

(Amended by Ordinance No. 185798, effective December 12, 2012.) For the purposes of this Chapter definitions contained in Chapter 24.15 shall apply in conjunction with definitions found in ORS 446.003, ORS 455.010, OAR 918-500-0005, OAR 918-525-0005, OAR 918-600-0005 and OAR 918-650-0005. Definitions in ORS or OAR shall take precedence over other conflicting definitions.

24.90.050 Administration and Enforcement.

(Amended by Ordinance Nos. 176955 and 185798, effective December 12 , 2012.) This Chapter shall be administered and enforced in conformance with applicable provisions of the 2010 Edition of the Oregon Manufactured Dwelling Installation Specialty Code, the provisions of the 2002 Edition of the Oregon Manufactured Dwelling and Park Specialty Code adopted by reference in Subsection 24.90.030 B. of this Chapter, and the Oregon Administrative Rules contained in Chapter 918 Division 500, 515, 525, 530, 600 and 650.

24.90.060 Special Regulation.

Manufactured Dwellings and Cabanas installed on a residential lot shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family dwellings constructed under the state building code. Skirting and permanent enclosures shall be required for all park trailer and cabana installations.

24.90.070 Permit Application.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Permits are required for the establishment, construction, enlargement, alteration or removal of manufactured dwelling parks, recreation parks, and organizational camps. Permit applications, plans and specifications and permit issuance shall conform to Section 24.10.070, and applicable Oregon Administrative Rules. Permits are required for the installation or alteration of manufactured dwellings, recreational park trailers, recreational vehicles as defined in OAR 918-525-0005, and accessory structures. Plans and specifications are required in conformance with Section 24.10.070 and applicable Oregon Administrative Rules except when:

- A. All installation is within an existing manufactured dwelling park and all the installation is performed in accordance with the manufacturer's approved installation instructions.
- B. All installation is within an existing recreational vehicle or combination park, and all installation is performed under OAR 918-530-0005 through 918-530-0120. When the Director determines special installation or construction requires design by a registered engineer or architect, such design shall be submitted in triplicate and approved by the Bureau prior to commencement or continuance of installation or construction.

24.90.080 Violations.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Any person who violates any provision of this Chapter and/or any codes adopted herein shall be subject to the penalties as prescribed by law.

24.90.090 Appeals.

(Amended by Ordinance No. 185798, effective December 12, 2012.) Any person, firm or corporation aggrieved by a decision of the Bureau under this Chapter may request an administrative appeal and pay the appeal fee. An internal administrative appeal committee consisting of persons appointed by the Director who are especially qualified to provide expert opinions in matters of this Chapter under appeal shall act in an advisory capacity to the Director. Committee review shall culminate in a finding by the Director. Further appeal may be made without fee to the appropriate Board of Appeal described in Sections 24.10.080, 25.07, 26.03.070 and 27.02.030. Within 30 days of the final appeal

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finding by the Board of Appeal, an appellant who continues to be aggrieved may appeal to the appropriate State Specialty Advisory Board pursuant to ORS 455.690.

Chapter 24.95

**SPECIAL DESIGN STANDARDS
FOR FIVE STORY APARTMENT
BUILDINGS**

(Chapter repealed by Ordinance No. 185798,
effective December 12, 2012.)

BASIC FLOODPLAIN RELATIONSHIPS

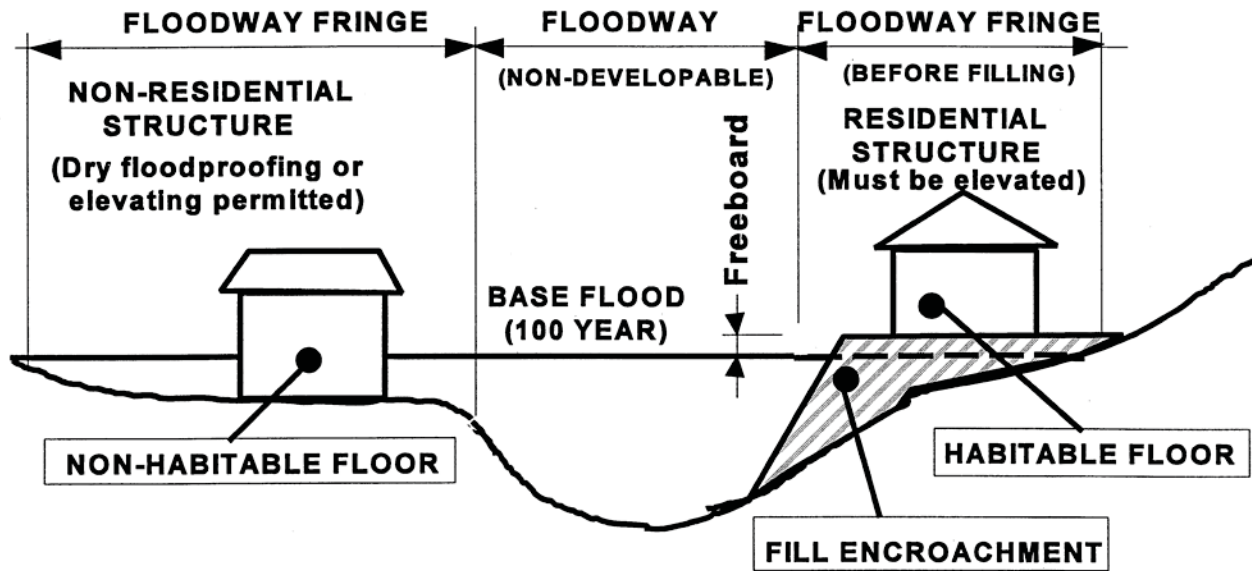


FIGURE 1 (Section 24.50.070)

FIGURE 2 (24.70)

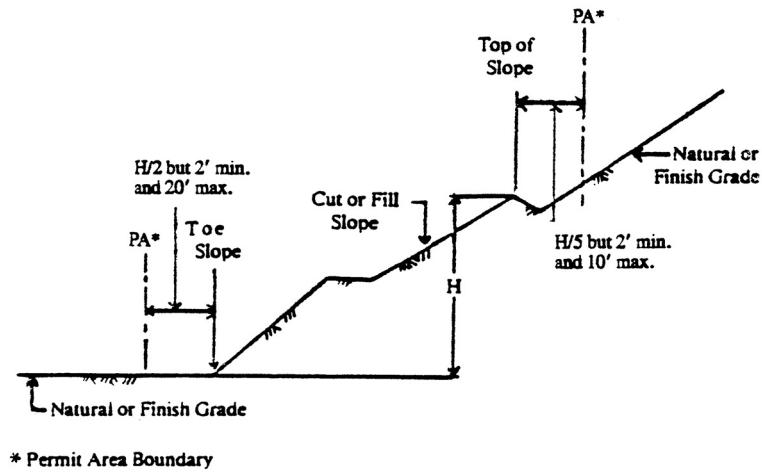


Table No. 24.70-C
Required Setbacks from permit area boundary (in feet)

TABLE 24-70C

H	SETBACKS	
	a	b'
Under 5	0	1
5 - 30	H/2	H/5
Over 30	15	6

Additional width may be required for interceptor drain.

FIGURE 3 (24.70)

