

EXPLANATION OF PORTLAND CITY CHARTER REVISIONS

The purpose of this document is to help reviewers see the changes proposed to Portland City Charter Chapters 1, 2, 3, 7, 8, 9, 10, 11, 12 and 13. Portland City Charter Chapters not included in these proposed amendments remain in effect.

To present the proposed changes to the Portland City Charter more clearly, the following method has been used:

- NOT CHANGED: Text that currently exists in the Charter and that will not change or move is printed in standard type.
- DELETED: Sections of the existing Portland City Charter that would be **deleted** by the amendments and would no longer be a part of Charter are indicated with ~~strikeout~~.
- MOVED TO: Sections of the existing Charter that will remain in the Charter unchanged, but are being **moved**, are indicated with ~~double strikeout and italicized~~.
- MOVE FROM: Sections of the existing Charter that will remain in the Charter unchanged, but have been **moved from** another section, are indicated with double underline and italicized.

The revisions in these documents are from the published version of the Portland City Charter. The formatting may differ from the online version, but the language is the same.

CHARTER OF THE CITY OF PORTLAND, OREGON

CHAPTER 1

CORPORATE EXISTENCE AND POWERS

ARTICLE 1. POWERS, RIGHTS AND LIABILITIES.

Section 1-101. Continuation and Grant of Corporate Powers. The municipal corporation now existing and known as the City of Portland shall remain and continue a body politic and corporate by the name of the City of Portland, shall have perpetual succession, ~~may sue and be sued, plead and be impleaded in all courts of justice and in all actions, suits or proceedings; may have and use an official seal and may alter the same; may purchase, or acquire by the exercise of the right of eminent domain or otherwise, receive and hold property, both real and personal, within or without said City for municipal purposes, and shall have the right of possession, use and control of all public parks and levees, buildings and property, and of all tracts of land and rights or easements in land belonging to said City, and other property which has been or may be hereafter dedicated to the City or to the public, or in any manner obtained, for public or corporate purposes of said City, and may lease, sell, terminate the dedication or otherwise dispose of the same for the benefit of the City; may receive or reject bequests, gifts, grants and donations of money or any kind of property, or interest in property, conditionally or unconditionally, in trust or otherwise, for charitable or other purposes, and may do all acts necessary to carry out the purposes or to fulfill the conditions of said gifts, requests, grants and donations, and may manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest, grant or trust, or absolutely in case such gift, bequest, grant or trust be unconditional; and shall have all general and specific powers granted to the City by any general or special law of the State of Oregon, or by the 1903 Legislative Charter of the City. All previously existing legal rights or powers of the City held or accruing to it shall continue as though no amendment of this Section had been made, and all duties and liabilities accrued or accruing to others at the time of this amendment from acts or agreements of the City shall not be affected by ~~this~~any amendment to this Charter.~~

Section 1-102. Grant of General Powers. The City ~~of Portland shall be invested within its corporate limits and within the limits of property it holds or occupies outside its corporate limits, with authority to perform all public and private services, including those of an educational or recreational character as well as others, with all governmental powers except such as are expressly conferred by law upon other public corporations within such limits and subject to the limitations prescribed by the constitution and laws of the State, and with authority to acquire by purchase, condemnation or otherwise property within and without its limits, and to perform any function or service or to have any authority permitted by law outside its limits.~~has all powers that the constitutions, statutes and common law of the United States and the state of Oregon expressly or

impliedly grant or allow the City, as fully as though each particular power were specifically enumerated in this Charter. Without limitation, the City has all powers contained in its legislatively granted Charter listed in Section 1-301.

The Charter shall be liberally construed so that the City may exercise fully all powers possible under this Charter and under the laws of the United States and the State of Oregon and so that none of the City's powers existing in the original Charter granted to the City by the State Legislature of Oregon in 1903 will be reduced or diminished. The enumeration of any particular powers granted *in this Charter shall not be construed to impair* the general grant of powers.

Section 1-103. *Municipal Powers Vested in Mayor and Council.* *The power and authority given to the municipal corporation of the City of Portland hereby is vested in the Mayor and City Council, subject to the initiative and referendum and other powers reserved to the people by the constitution of the State of Oregon as defined and prescribed by the provisions of the constitution and general laws relating thereto, and by the provisions of this Charter.*

Section 1-1034. Legal Proceedings. Suits, actions and proceedings whether civil or criminal may be brought in the name of the City of Portland for the recovery of any property, for enforcement of any rights of the City or the public for whom the City may act, arising in contract or otherwise, and for the enforcement of City laws, whether arising, accruing or enacted before or after the adoption of this amendment.

Section 1-1045. Alienability of Public Places and Property and Limitations

Thereon. The City of Portland may not divest itself of title it has or may acquire in and to water front, wharf property, land under water and made land built upon same, or any lands on the water side of the high water or meander lines of navigable waters as established by the original United States surveys and conformed to by the original plats of the City of Portland, or any landing, wharf, dock, highway, bridge, avenue, street, alley, lane, park or any other public place, or like property that it may now own or hereafter may acquire, except as set forth in this Charter or as provided by statute.

The City may vacate street area if such vacation would not interfere with reasonable access to the water front or any transportation terminal. Favorable vote of at least four-fifths of all members of the Council shall be required for any ordinance of vacation. The Council may impose such conditions upon the street vacation as it deems appropriate in the public interest. This Section shall not be deemed to prevent replatting of subdivisions wherever situated, nor relocation of streets.

A street shall be held to fulfill its function as a street by being used in any way for the purpose of travel, transportation or distribution by or for the public; and where a street abuts or terminates against a waterway or connects with a railroad terminal it may be occupied by any structure or machinery facilitating or necessary to travel, transportation or distribution, or facilities for the protection of persons or property, which does not prevent access of the public to uses provided; and this clause shall include and apply to all structures necessary in the improvement of the public docks.

Wharves, docks, port and harbor facilities and other City-owned property or structures may be rented, leased or pledged, provided that the present or future right of the public to use thereof is preserved or will be promoted.

No dedication by the City of any park, playground or public place shall be terminated unless the Council finds that such dedicated area is no longer needed for the dedication purpose, or that another public use has a greater need for such property, or that another location would further the public use. When such dedication is terminated, the property may be leased, sold or exchanged.

The ~~Council~~City may rent or lease area below or above parks, public places, streets, viaducts, tunnels and other facilities, where the public use is preserved.

The City may sell, dispose of or exchange any buildings, structures or property, real or personal, which it owns or may acquire not needed for public use, by negotiation, bid, auction or any other method the ~~Council~~Mayor finds appropriate. ~~Favorable vote of at least four-fifths of all members of the Council shall be necessary for any ordinance authorizing such sale, disposal or exchange.~~ The City may sell property on contract for such term as the ~~Council~~Mayor finds appropriate, notwithstanding any term limit elsewhere prescribed in the Charter. In cases where property to be exchanged is held by the City upon any trust (including property held as security for bond issues) the property received in exchange shall be similarly held and any net income therefrom shall be applied to such trust.

The City may rent or lease property which will not be needed for public use during the term of the rental or lease for any term permitted by statute.

Section 1-1056. Nonliability for Defective Sidewalks, Etc. No recourse shall be had against the City for damage or loss to person or property suffered or sustained by reason of the defective condition of any sidewalk, curb, street, avenue, lane, alley, court or place, or by reason of the defective condition of any sewer, or by reason of any defective drainage, whether any of said defects originally existed, or whether they were occasioned by construction, excavation or embankment; nor shall there be any recourse against the City for want of repair of any sidewalk, curb, street, avenue, lane, alley, court or place, or by want of repair of any sewer; nor shall there be any recourse against the City for damage to person or property suffered or sustained by reason of accident on sidewalk, curb, street, avenue, lane, alley, court or place or by falling from any embankment thereon or into any excavation therein; but in such case the person or persons on whom the law may have imposed the obligation to repair such defect in the sidewalk, curb, street, or public highway, or in the sewer, and also the officer or officers through whose official negligence such defect remains unrepaired shall be jointly and severally liable to the party injured for the damage sustained.

Section 1-1067. Damage Claims, Insurance. Notice of and claims for damages arising out of the alleged torts of the City and those of its officers, employees and

agents acting within the scope of their employment or duties, must be presented to the City Attorney within the time prescribed by law. The ~~Council~~City shall establish a Loss Reserve Fund and shall annually budget an amount sufficient to maintain such Fund on an actuarially sound basis. The monies in such Fund may be invested and reinvested in the like manner with other City funds and the earnings from such investment and reinvestment shall be credited to the Fund. Payments may be made from the Loss Reserve Fund to pay claims against the City, its officers, employees and agents, procure insurance against such liability, and pay costs related to the payment of claims including but not limited to payment of investigative, legal and administrative expenses. In the event the ~~Council~~City shall deem it advantageous to procure insurance against claims, the existence of insurance shall be considered in determining the funding necessary to maintain the Loss Reserve Fund on an actuarially sound basis. The ~~Commissioner In Charge~~Mayor may negotiate, compromise and settle any claims and may authorize the payment of any claim in an amount not to exceed five thousand dollars (\$5,000). Payment exceeding five thousand dollars (\$5,000) for any claim must be authorized by an ordinance.

Section 1-1078. Certain Fair and Moral Obligations May Be Paid. To the end that the Council may provide for paying claims which it finds to be fair and moral obligations of the City but limited to claims that are barred by Charter exemption or by reason of governmental immunity or that are asserted by employees for the replacement of personal property damaged in the course of performing their employment duties, it may in its discretion direct payment or settlement, provided that an affidavit of the claimant or person representing the claimant and having knowledge of the facts is filed with the City Attorney within thirty (30) days after the event which caused the claim (unless the Council, upon proof of a good excuse, permits later filing) showing therein the name, age, and address of the claimant, the time and facts which give rise to the claim, the persons present, if any, able to substantiate the facts and circumstances, the name of the City officer or employee first contacted with reference to the claim, the name and address of the physician and/or surgeon who attended the claimant if the claim be based on personal injury treated by a physician or surgeon, a description of the injuries if personal injury was sustained, a particular statement of the damage, if real and/or personal property was damaged, the places of residence and address of the claimant during three (3) years preceding the claim, a detail of the expense constituting the claim, in so far as expense shall have been and/or probably will be incurred, and such other data as will give the City an opportunity to readily ascertain the facts, extent of injury, cost resulting therefrom and the integrity of the claimant. When insurance (covering the claimant, the City or the City employee involved) applies, the claim shall not be allowed as to any portion covered by the insurance. No claim shall be allowed the enforcement of which would be barred by the statute of limitations, and no payment shall be made unless the claimant accepts the amounts allowed as in full compromise and settlement of all amounts claimed or to be claimed against the City, its officers or employees arising from the same facts. In the event that no settlement is made, nothing herein contained or done hereunder shall prejudice the City in any defense that it may have in any suit or action. Nothing contained herein shall be construed as

giving any right to institute or maintain any suit or action which would not otherwise exist.

Section 1-10~~8~~9. Mandatory Weatherization for Existing Buildings Requires Vote of the People. Except for the provisions of the Building Code of the City of Portland in effect on September 1, 1979, the Council of the City of Portland shall not pass or enforce any ordinance, resolution, law or program mandating weatherization for any building or structure built in the City of Portland prior to September 1, 1979, unless such ordinance, resolution, law or program is referred to the citizens of Portland for a vote.

ARTICLE 2. BOUNDARIES AND ANNEXATION.

Section 1-201. Boundaries. All property surrounded by the corporate limits of the City of Portland as described and officially filed from time to time as set forth in this Section is hereby embraced within the City of Portland. Within ten (10) days after this amendment becomes effective and the official canvass of votes is completed and results of election on this amendment are proclaimed, the Council shall adopt a resolution describing such boundaries. Certified copies of such resolution shall be filed with the Secretary of State and the librarian of the Supreme Court of the State of Oregon, with the County Commission or county court of each county in which a portion of the City is located, and with the Clerk, Assessor, Surveyor, Engineer, Elections Officer, and Tax Supervising and Conservation Commission, if any, of each such county, and such other official as may be required by statute.

Section 1-202. Annexations. The City of Portland may annex additional territory and other cities or areas may be consolidated or merged with the City in any manner permitted by statute.

Section 1-203. Boundary Changes. Within ten (10) days after the effective date of any annexation or ten (10) days after the proclamation of results of any election on merger or consolidation, if such merger or consolidation is successful, the Council shall adopt a resolution describing the new boundaries, certified copies of which shall be filed as set forth in Section 1-201 of this Charter.

~~CHAPTER 2~~

~~GOVERNMENT~~

~~Article 1. The Council.~~

ARTICLE 3. SPECIFIC POWERS.

Section 2-3~~4~~01. ~~Municipal Powers Vested in Council.~~ ~~The power and authority given to the municipal corporation of the City of Portland hereby is vested in a Council, subject to the initiative and referendum and other powers reserved to the people by the~~

~~constitution of the State of Oregon as defined and proscribed by the provisions of the constitution and general laws relating thereto, and by the provisions of this Charter.~~

~~**Section 2-102. City Council.** The City Council of the City of Portland shall consist of a Mayor and four (4) Commissioners.~~

~~**Section 2-103. Boards and Commissions.** The Council may create and establish such boards and commissions as it may deem necessary in addition to boards and commissions established by this Charter, and may abolish or alter from time to time any boards or commissions it has established or may establish. All powers and duties of abolished boards and commissions shall be exercised and performed by the Council.~~

~~**Section 2-104. General Powers.** The Council shall have and exercise all powers and authority conferred upon the City of Portland by this Charter or by general law, except where such power is herein expressly bestowed upon some other officer, board or commission to the exclusion of the Council. The Council may delegate any of its nonlegislative functions or powers to subordinate officers, boards or commissions as it may find appropriate.~~

~~**Section 2-105. Continuation of Specific Powers.** The City of Portland by its Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter or in statute, to exercise any power or authority granted to the City by statute, general or special, or by this Charter, and may do any other act necessary or appropriate to carry out such authority, or exercise any other power implied by the specific power granted. (a) — Among such Specific Powers. Among its specific powers, the City has power and authority:~~

1. To exercise within the City and City-owned property, all the powers commonly known as the police power to the same extent as the State of Oregon has or could exercise said power within said areas, and to make and enforce within said areas all necessary or appropriate water, local, police, sanitary and safety laws and regulations.
2. To secure the protection of persons and property and to provide for the health, cleanliness, ornament, peace, safety and good order of the City.
3. To provide for entering into contracts by the City for a period not exceeding five (5) years and the extension or renewal thereof by option or otherwise, for not to exceed an additional five (5) years, except as to property contracts which may extend for more than five (5) years, or as otherwise permitted by this Charter or by statute.
4. To enter into agreements without limitation as to term, ~~as the Council finds appropriate,~~ for cooperation, consolidation of services, joint acquisition or ownership and maintenance of facilities or services, with any other public corporation or unit of government.

5. To establish, construct, maintain, equip and alter buildings and facilities found necessary or appropriate for administration of government or for use by or for the public.
6. To purchase, or acquire by condemnation or otherwise, or to lease, for ~~such a term as the Council may find appropriate~~, which need not be limited to five (5) years, such property, real and personal, as may be needed for public use; in purchasing property, to enter into lease-purchase agreements or other contracts of purchase which may extend for more than a five (5) year period; to obtain options; and to mortgage for the term of the purchase as security for the purchase price the property being purchased. In exercising this power and authority, only the payments to be made during the year in which the purchase, condemnation, lease, lease-purchase, option, or purchase price mortgage is entered into shall be considered for purposes of applying Section 7-102 thereto.
7. To provide for the purchase of property levied upon under execution in favor of the City.
8. To purchase, take and hold real or personal property when sold for a delinquent tax or assessment levied or imposed under the authority of the City of Portland, and to sell and convey the same. But the sum bid by the City on or for any such property so sold for a delinquent tax or assessment, shall not exceed the amount of all taxes and assessments plus interest and penalties, and the necessary costs and expenses.
9. To sell by bid or public auction abandoned or impounded and unclaimed property, and property for which storage charges and removal charges, if any, have not been paid.
10. To provide a seal for the City and seals for the several boards and officers thereof.
11. To establish and regulate the fees and compensation of all officers of the City, and for all official services not otherwise provided for in this Charter.
12. To fix ~~by ordinance~~ the hours during which all offices and departments of the City shall be kept open for business.
13. To appropriate money to pay the debts, liabilities and expenditures of the City or any part or item thereof.
14. To appropriate annually to the Mayor two thousand dollars (\$2,000) as and for a secret service Fund, for which the Mayor need furnish no vouchers, and such appropriation shall be made.

15. To issue City bonds authorized by this Charter or statute or expressly authorized by vote of the City electors, certificates, warrants, checks and other evidences of indebtedness, but otherwise the City shall not have the power to issue its bonds for any indebtedness or for any purpose, or to increase the bonded indebtedness of the City in any amount or for any purpose whatsoever.
16. To fix fees for establishing street grades, surveying and marking the boundaries of streets, lots or blocks, granting permits for the opening or temporary use of street surfaces, planning of improvements, laying sidewalks, vacating street area, processing of all types of applications, erection and inspection of buildings or facilities, and any special services or functions performed by the City or bureaus thereof.
17. To grant licenses with the object of raising revenue or of regulation, or both, for any and all lawful acts, things or purposes, and to fix by ordinance the amount to be paid therefor, and to provide for the revoking of the same. No license shall be granted to continue for a longer period than one year from the date thereof.
18. To provide for the opening, laying out, establishing, altering, extending, widening, enlarging, vacating and closing, or for establishing and changing the grades, of streets, squares, parks or public places, and to provide for the improving and repairing of streets, squares, parks and public places or of any land over which any right of way has been obtained or granted for any purpose of public travel or use, by means of any kind of work, improvement or repair ~~which the Council finds necessary or appropriate.~~
19. To provide for lighting the streets, public grounds, buildings and places, and furnishing the City with light, heat and power, by contract or by means of its own plant.
20. To provide for surveying the blocks and streets of the City and for marking the boundary lines of such blocks and streets; to change by ordinance the number, letter or designation of any lot, block or tract of land within the City which may be conflicting or otherwise unsuitable and to give by ordinance a designation to any tract of land within the City not numbered, lettered or designated. A certified copy of such ordinance shall be transmitted by the Auditor to the recording officer of the County, who shall record the same in the record of plats of said County and shall make a reference to the record of such ordinance upon the recorded plat on file. No charge shall be made by the recording officer.
21. To set apart as a boulevard or boulevards any street or streets, or portion thereof.

22. To regulate the numbering of houses and lots on the streets, boulevards and avenues and the naming of streets, boulevards and avenues.
23. To regulate and control for any and every purpose the use of streets, highways, alleys, sidewalks, public thoroughfares, and public places within the City and City parks and properties within or without the City, and to regulate the use of streets, roads, highways and public places for transportation or use of every description, and for installation of any kind.
24. To provide or require conduits under the streets, lanes, alleys and public places of the City or any part or parts thereof for the use of telephone, telegraph, electric light and other wires, or for other purposes, either by constructing said conduits itself or authorizing or requiring their construction by others upon such terms and conditions as ~~the Council~~ may ~~impose~~ be appropriate, and to regulate and control the use of such conduits, and to prescribe and establish reasonable rentals to be paid by any person or company using any of said conduits by whomsoever the same may be constructed for the use thereof, and to provide for the collection of such rentals, in addition to the ordinary processes, by such summary methods as it may deem proper. If any such grant be made to any person, firm or corporation, such grantee shall not have power to sublet the same or the use of the same to any person, firm or corporation engaged in selling, hiring, leasing or otherwise receiving any income from the business or purpose for which it desires to use such conduits, without such person, firm or corporation first obtaining, as provided in this Charter, a franchise for such business, purpose or use.
25. To regulate, restrain and prevent obstructions within the public streets, sidewalks and places and to make all needful regulations to keep and maintain the public streets, sidewalks and places in a clean, open and safe condition for public use; to provide for the removal, impounding and sale or other disposition of such obstructions, and to make the cost of removal a lien upon any property from which such obstruction originated or to which such obstruction was attached, to be placed upon the lien docket and collected ~~as the Council may direct~~.
26. To control and limit traffic and classes thereof, and vehicles and classes thereof on the streets, avenues and elsewhere.
27. To prevent and prohibit planting of trees or shrubbery which may be detrimental to sewers, streets, sidewalks, utilities lines, fire hydrants, or use thereof, or which may interfere with safe travel or vision or may constitute a nuisance, and to cause such trees or shrubbery to be cut down or removed and to make the cost of such cutting or removal a lien

upon the property, to be placed upon the lien docket and collected ~~as the Council may direct.~~

28. To prescribe rates to be charged for transportation of passengers or property within the City and area outside the City over which City jurisdiction is authorized or recognized by statute, by means of vehicles of every description.
29. To provide for the establishment of market houses and places, and transportation terminals, and to regulate the location and management thereof.
30. To provide for the location, construction, repair and maintenance in or outside the City, of any ditch, canal, pipe or other facility for the impoundment, storage or conduct of water, and any drain, sewer or culvert or other facility in or outside the City for conduct, storage or treatment of storm or sanitary drainage or both, as it may deem necessary or convenient; for such purpose to enter upon any land for the purpose of examining, locating and surveying the line or location of such water or sewer facility, doing no unnecessary damage thereby; to appropriate said land or so much thereof as may be necessary for the construction or installation of said facility in any manner permitted by the laws of this State; to appropriate and divert from its natural course or channel temporarily or permanently, any spring or stream of water; and to compel the extension of utility connections from the main line or pipe to the curb line, property line or the sidewalks of all public streets, ~~as the Council may determine.~~
31. To provide for furnishing the City and its residents with water, and to sell water to or for nonresidents.
32. To regulate the plumbing, drainage and sewerage of buildings and structures and the installation and use of appliances or facilities for heat, light, cooling and energy; to provide for the registration and qualification of specialists in trades or in installation or use of appliances and facilities; to provide inspection for such installation or use.
33. To compel all persons erecting or maintaining privies, water closets or other toilets or cesspools, septic tanks or private sanitary sewerage systems within one hundred (100) feet or one-half block, whichever is greater, of any street in which a public sewer has or may hereafter be constructed, to connect the same therewith; and where a public sewer is not available, to prescribe disposal so as to protect the public, property, health and welfare.

34. To regulate, restrain and prohibit use of public sewers for any substance which may be harmful or detrimental to the sewers, to sewage disposal and treatment, or hazardous to workers, to property or to the public.
35. To regulate the construction, care, use and management of buildings and structures in the City for the better protection of the lives and health of persons dwelling in or using the same or of the public, and for the public welfare.
36. To regulate, restrain and to provide for the exclusion from the City, or any part thereof, of trades, occupations or businesses which are offensive or may ~~in the opinion of the Council~~ create or constitute a nuisance, and to regulate uses of land and structures within the City.
37. To prevent the erection or cause the removal, demolition or repair of buildings or structures wherever situated, found to be unsafe or dangerous to the occupants, to passers-by or to other property, or which are found to obstruct a street, and to make the cost of such removal, tearing down or repair a lien upon the property, which liens may ~~upon the order of the Council~~ be entered into the docket of City liens and thereafter collected ~~in such manner as the Council may direct~~.
38. To regulate or prevent the moving of buildings or structures over City streets and limit the locations to which such buildings or structures may be moved.
39. To define and classify the fire limits and to prohibit the erection or repair of buildings constructed of particular materials within all or any such fire limits.
40. To regulate or limit the height, construction, size, materials, setbacks, yards, inspection and repair of all private and public buildings, structures, and fences within the City and to provide City inspection thereof.
41. To require adequate fire escapes, apparatus and appliances for protection against fire, to be provided in buildings and structures, or in connection with specific uses.
42. To make regulations to prevent the introduction of contagious diseases into the City, and to remove persons afflicted with such diseases to suitable hospitals which the City may designate or provide for that purpose either within or without said City; and to regulate such hospitals.
43. To provide a standard of weights and measures and to authorize inspection of weights, measures, food, beverages, and fuel; to regulate the commodity, size, weight and ingredients of food or beverage products

and fuel, and to prevent the sale of adulterated, unhealthful or unwholesome food and beverages, and to provide for the seizure and forfeiture of food or food products, beverages and fuel offered for sale or sold contrary to said regulations.

44. To prevent and remove nuisances, to declare what shall constitute the same, to punish persons committing or suffering nuisances, to provide the manner of removal of nuisances, and to make the cost of such removal a lien upon the property where such nuisance existed; and to fill up or drain any lots, blocks or parcels of land subject to flood or where any stagnant water stands, to declare the same a nuisance, and to make the cost of filling up or draining the same a lien upon the property so filled or drained. Liens for abatement of nuisances may ~~upon the order of the Council~~ be entered in the docket of City liens and thereafter collected ~~in such manner as the Council may direct~~.
45. To regulate or prevent the storage, manufacture, sale, use and transportation of dangerous, explosive, radioactive or combustible materials or weapons, and to provide for the inspection of the same, and to prevent by all proper means risks of injury or damage therefrom.
46. To regulate, prevent and prohibit loud or unnecessary noise.
47. To prevent trespassing and punish trespassers upon real and personal property.
48. To restrain and punish intoxication, fighting and quarreling in the City, and any disturbance, riot or riotous assemblage or participation therein, or any unlawful or indecent practice, and to define what shall constitute the same.
49. To prevent and suppress gaming and gambling houses, lotteries or places where any game in which chance predominates is played for anything of value, and to punish any person who engages in such game, or keeps or frequents such houses or sets up or promotes lotteries or sells lottery tickets; to prevent and suppress bawdy houses or places where fornication is practiced, and to punish any inmate, keeper or frequenter thereof; to prevent and suppress use of narcotics and dangerous drugs and houses and places kept therefor, and to punish any keeper of such house or place, or person who frequents the same.
50. To prevent the sale, circulation, display and disposition of obscene matter, including books, papers, prints, pictures, films and other material, and of obscene advertisements of any kind, and to punish any person who sells or offers for sale, displays or who circulates or disposes of such literature, books, papers, prints, pictures, films, advertising matter and other material, and to define and declare from time to time what literature,

books, papers, prints, pictures, films, advertising matter and other material are obscene within the purposes and province of this provision.

51. To define what constitutes vagrancy, and to provide for the support, restraint, punishment and employment of vagrants and paupers.
52. To prohibit persons from roaming the streets at unseasonable hours.
53. To prohibit and prevent cruelty to children and animals; to appropriate such sums as may be paid into the treasury from fines collected on conviction of persons charged with cruelty to animals or children, and to authorize the payment of the same or any part thereof to any person or society that shall have officially aided in such conviction.
54. To prohibit the exhibition of deformed or crippled persons, and to prohibit all persons from begging upon the streets or in public places.
55. To provide for the punishment by fine of not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or by imprisonment not exceeding two (2) years, or both, of any person or persons who may injure, deface, interfere with or destroy any property belonging to the City or in which the City has any interest, right or estate, and to provide that the district court or the circuit court of the State of Oregon for the County of Multnomah shall have jurisdiction to enforce such punishment or punishments.
56. To establish, change, discontinue, or re-establish City jails, prisons, police stations, workhouses and houses of detention, punishment, confinement or rehabilitation, within or without the City.
57. To regulate and restrain the keeping of all pets, birds, fowl, reptiles, and animals of any kind, and to prevent any and all animals from running at large within the City or any part thereof, and to punish persons who allow animals to run at large or to be unlicensed; to provide for impounding, sale and disposition when found at large, or when kept against City regulations or when no license has been obtained or tax paid ~~as provided by the Council~~.
58. To regulate, prevent and prohibit the erection, maintenance or display of signboards, billboards, signs, posters and advertisements designed to attract the attention of persons on sidewalks, streets or public places.
59. To regulate and prohibit the exhibition and hanging of material in or across the street or from houses or other buildings or structures.

- 60.** To regulate and control water-borne commerce and recreational uses within the City, and uses of and activities in or upon bodies of water within the City.
- 61.** To provide for the removal of obstructions, debris and deleterious matter from waters within the City limits and to prohibit putting or negligently or willfully suffering the same to be put therein.
- 62.** To regulate the building of wharves, and the driving of piles in any body of water or watercourse within the limits of the City and to establish lines beyond which wharves shall not be built nor piles be driven.
- 63.** To provide for the construction and regulation of public facilities and landings at the foot of the streets terminating at a watercourse or body of water within the City.
- 64.** To appropriate money for the deepening, widening, docking, covering, walling, altering or changing channels, water, or watercourses within the City, and to provide for the construction and maintenance of canals, slips, public landing places, wharves, docks and levees, and all such other work as may be required for the accommodation of commerce or recreation; to control and regulate the use thereof and to provide for the acquisition by condemnation or otherwise of all such work or works by the City, and for the construction, maintenance and ownership of the same by the City.
- 65.** To provide for entering into contracts by the City with publicly or privately owned utilities or other governmental agencies for a period not exceeding forty (40) years for the transmission, sale or exchange of the capacity of and electric power generated by hydroelectric power generating facilities owned by the City and for operation and maintenance of the facilities.

CHARTER OF THE CITY OF PORTLAND, OREGON

CHAPTER 2GOVERNMENTARTICLE 1. THE COUNCIL.

Section 2-101. **City Council.** The City Council of the City of Portland shall consist of a Mayor and four (4) Council members. The Council shall have and exercise all of the City's legislative and quasi-judicial powers and authority except where such power is expressly bestowed upon some other officer, board or commission to the exclusion of the Council. The Council may delegate any of its quasi-judicial powers as it may find appropriate. In performing its legislative functions, the Council shall:

- (a) Adopt legislation and set City policy in the form of ordinances and resolutions.
- (b) Develop and adopt a strategic plan that reflects the City's goals and vision.
- (c) Adopt the City's budget.
- (d) Exercise legislative oversight over the City's executive and administrative functions.
- (e) Establish such committees as it determines appropriate to facilitate its work and make appointments to those committees. Committees may include members other than Council members, however, the Chair of each committee must be a Council member.
- (f) Represent the residents of the City and establish procedures to facilitate access to City government and access by Council members to all residents in all areas of the City.
- (g) Confirm executive appointments where provided in this Charter.
- (h) Exercise all other powers given it in this Charter.

~~Section 2-106. Enumeration of Powers not a Limitation. The foregoing or other enumeration of particular powers granted to the Council in this Charter shall not be construed to impair any grant of power herein contained, express or implied, nor to limit any such general grant to powers of the same class or classes as those so enumerated. The City Council may exercise any power or authority granted by Oregon statute to municipal corporations at any time and also to cities of a class which includes the City of Portland.~~

Section 2-107.2. Investigations. The Council, or a committee of the Council duly authorized by it, may investigate any board or department of the City government, and the official acts and conduct of any City officer, employee, or agent; and for the purpose of ascertaining facts in connection with such investigation, shall have full power to compel the attendance and testimony of witnesses, to administer oaths, and to examine such persons as it may deem necessary, and to compel the production of books, documents, and other evidence. Willful false swearing in such investigations and examinations shall be perjury, and punishable as such under the laws of the State of Oregon.

Section 2-103. Boards and Commissions. Except as otherwise provided in this Charter, the Council may create and establish such boards and commissions as it may deem necessary in addition to boards and commissions established by this Charter, and may abolish or alter from time to time any boards or commissions it has established or may establish. All powers and duties of abolished boards and commissions shall be exercised and performed by the Council.

Section 2-104. Punishment for Ordinance Violations. The Council has power and authority, subject to the provisions, limitations and restrictions contained in this Charter, to provide for the punishment of a violation of any ordinance of the City by a fine or by imprisonment, or by both. Such imprisonment shall be for a term not exceeding six (6) months. In addition to the foregoing penalties, forfeiture of property or license of any kind may be provided. The limitations as to length of sentence contained in this Section shall not apply to any offense for which different limitations are fixed elsewhere in this Charter.

Section 2-108.5. Emergency Fund. There shall be annually appropriated and set apart the sum of five thousand dollars (\$5,000) to be known as the Emergency Fund of the Council and the Council may use and expend such Fund, or any part thereof, in its discretion for any purpose it may deem proper or advantageous to the public welfare, and shall not be required to furnish vouchers showing the purposes for which such expenditures were made. No part of such Fund shall be used as compensation or additional salary or for the personal benefit of the Mayor or any ~~Commissioner~~ Council member.

~~**Section 2-109. Investigations.** The Council, or a committee of the Council duly authorized by it, may investigate any board or department of the City government, and the official acts and conduct of any City officer, employee, or agent; and for the purpose of ascertaining facts in connection with such investigation, shall have full power to compel the attendance and testimony of witnesses, to administer oaths, and to examine such persons as it may deem necessary, and to compel the production of books, documents, and other evidence. Willful false swearing in such investigations and examinations shall be perjury, and punishable as such under the laws of the State of Oregon.~~

Section 2-1406. Organization. At its first regular meeting each calendar year, or ~~oftener~~ more often at its option, the Council shall elect from its members a President by majority vote. The Mayor shall preside at all meetings of the Council. In the Mayor's absence ~~or disability~~, the President of the Council shall ~~perform the duties of the Mayor.~~ preside at Council meetings. In the absence ~~or disability~~ of both President and Mayor, the other members of the Council shall select one of their number to preside. ~~perform the duties of President and Mayor during such absence.~~

Section 2-1407. Rules of Procedure. The Council shall determine its own rules of procedure, may punish its members for disorderly conduct, and may compel the attendance of members.

Section 2-1408. Meetings and Journal. All regular and special meetings of the Council shall be public. It shall hold one regular legislative meeting each week, and such other meetings as it may prescribe. The Council shall keep a journal of its proceedings which shall be a public record.

Section 2-1409. Calendar. The Auditor shall produce for distribution at least twenty-four (24) hours before each legislative session a summary of all matters to come before the Council at the next regular legislative session. Only matters contained in said summary shall be considered at such legislative session unless four (4) members of the Council shall vote to consider otherwise.

Section 2-1140. Quorum. At any meeting of the Council a majority of the total number shall constitute a quorum, but a lesser number may adjourn or recess from time to time, and may compel the attendance of absent members.

Section 2-1151. Privilege in Debate. A member of the Council for words uttered in debate therein shall not be questioned in any other place.

Section 2-1162. Aye and Nay Vote. Upon the request of any member the ayes and nays shall be taken and recorded upon any action or resolution.

Section 2-1173. Transaction of Business. In the transaction of legislative or judicial business the Council shall act only by the ordinance. The ayes and nays shall be taken upon the passage of all ordinances and entered upon the journal of the proceedings of the Council. Every member when present must vote, unless the remainder of the Council approves the member's excuse for disqualification, and every ordinance shall require the affirmative vote of three (3) members.

Section 2-1184. Ordinances, Subject. No ordinance, except one making an appropriation, shall contain more than one general subject; ordinances making appropriations shall be confined to the subject of appropriations.

Section 2-1195. Ordinances, Enacting Clause. The enacting clause of all ordinances shall be the words "The City of Portland ordains."

Section 2-12016. Ordinances, Passage. Every ordinance except an emergency ordinance shall have two (2) public readings of its title or the effect thereof. At least five (5) days shall elapse between the introduction and final passage of any ordinance and no ordinance shall be amended within five (5) days of its final passage except in the case of an emergency ordinance. An emergency ordinance shall have one public reading of its title or the effect thereof and may be enacted upon the date of its introduction, providing that it contains the statement that an emergency exists and specifies with distinctness the facts or reasons constituting such emergency. The unanimous vote of all members of the Council present, and of not less than four (4) members shall be required to pass an emergency ordinance.

Section 2-1217. Ordinances, Amendments and Repeals. Amendments or repeals of ordinances, or sections thereof, shall also be by ordinance.

Section 2-12218. Ordinances, Attestation. An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor.

Section 2-12319. Ordinances, Effective Date. Ordinances (a) making appropriations and the annual tax levy, (b) relative to local improvements and assessments thereof, and (c) emergency ordinances, shall take effect immediately upon their passage, or any special date less than thirty (30) days after passage, specifically fixed in such ordinance. All other ordinances enacted by the Council shall take effect thirty (30) days after their passage unless a later date is fixed therein, in which event they shall take effect at such later date, subject to referendum if legislative, and subject to the provisions of this Charter relating to objections.

Section 2-1240. Ordinances, Objections. At any time within ten (10) days after the passage of any ordinance which shall not take effect immediately, any member of the Council may file, in writing, objections to said ordinance, which shall be considered and voted upon by the Council at its next regular meeting. If a majority shall vote to sustain such objections, the ordinance shall be deemed repealed and shall not take effect unless again passed in the same manner as a new ordinance. If a majority shall vote not to sustain such objections, the same shall have no effect on the ordinance. The objections, together with the vote thereon, shall be preserved on record.

Section 2-1251. Ordinances, Continuance of Existing. All existing ordinances of the City of Portland, in force when this Charter revision takes effect and not inconsistent herewith, or constituting a contract between the City and another person, shall be and remain in full force until repealed or until they expire by limitation contained therein.

~~**Section 2-126. Promotion of Industry.** The City Council shall have authority to promote industrial growth and assist in securing additional business and industry within the City, and to that end the Council may make appropriations and expenditures from the General Fund for advertising the advantages of the City, for assisting private~~

~~industry and business enterprises in obtaining contracts or business, for assisting new business or industry to find locations in or adjacent to the City, and for such other promotional activities as the Council may find appropriate. The Council may cooperate with any non-profit organization or other governmental agency in carrying out the purposes of this Section.~~

Section 2-1272. Consent Agenda. Notwithstanding the provisions of Sections 2-1162, 2-1173, and 2-12016 of this Charter, the Council by rule may publish a procedure under which any ordinance, resolution or other action may be placed on a consent agenda. At any meeting at which there is a consent agenda on the calendar, the ayes and nays shall be taken upon the passage of all items on the consent agenda by a single Council vote. It shall not be necessary that there be a reading or readings of the titles or the effect of the items on a consent agenda or that time elapse between the introduction and final passage of the items. The unanimous vote of all members of the Council present, and of not less than four (4) members, shall be required to pass a consent agenda. All items to be contained in a consent agenda shall be so listed in the summary of matters to come before the Council prepared under Section 2-14309 of this Charter. Items on a consent agenda shall not be subject to amendment or debate. Any item shall be removed from a consent agenda on the request of a Council member, or on the request of any person who wished to be heard on the item, provided the request is made prior to taking the ayes and nays on the consent agenda. An item so removed from a consent agenda shall be treated as a regular calendar item for the meeting for which it was on the consent agenda.

ARTICLE 2. ELECTIVE OFFICES.

Section 2-201. Elective Officers. There shall be no elective officers of the City of Portland other than the Mayor, four (4) ~~Commissioners~~Council members and the Auditor. All said officers shall be elected at large by the legal voters of the City of Portland and for a term of four (4) years, except as otherwise provided.

Section 2-202. Qualifications. Each elected official shall be a citizen of the United States and of the State of Oregon, and a registered voter who shall have been a resident of the City of Portland or of an area which has become part of the City prior to filing the declaration of candidacy or petition for nomination, for a period of not less than one (1) year immediately preceding the nominating election. If any officer shall be elected without such qualifications or shall cease to have the same, the office shall immediately become vacant.

Section 2-2043. City Business, Time Devoted to. No official appointed or elected to elective office shall, during his or her term of service, hold any other office or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party.

Section 2-2054. Oath of Office. Every official appointed or elected to elective office before entering upon the performance of his or her duties shall take an oath or

affirmation that he or she will support the Constitutions of the United States and of the State of Oregon, and will faithfully and honestly discharge his or her duties; that the official holds no other office or position of profit, and that the official is not a member of any committee of any political party. If such oath or affirmation be false in any particular, it shall be deemed a delinquency in office on the part of such official.

Section 2-2065. Vacancies in Office, Filling of Vacancies.

- (a) A vacancy in office shall exist when the Mayor, a ~~Commissioner~~Council Member or the Auditor fails to qualify by taking the oath following his or her election, or when any officer or employee dies, resigns, is removed from office, is convicted of a felony, is judicially declared to be mentally incompetent, is convicted of an offense which constitutes corruption, malfeasance or delinquency in office, forfeits his or her office under specific provisions of this Charter, or is elected or appointed to a different office, and qualifies, takes and assumes the duties of such different office.
- (b) If a vacancy occurs in the office of the Mayor, the President of the Council shall perform the duties of the Mayor until a successor is elected. The election shall take place at the next election date that is at least 70 days from the date the vacancy occurs. ~~If no an office elective under this Charter more than one hundred (100) days preceding the regular primary election to be held in the fourth year of the term of that office, but less than seventy-one (71) days preceding the regular general election to be held in that year, the Council, by a single resolution, shall call for two (2) special elections not more than forty five (45) days apart. The first special election will be for the purpose of nomination. It shall be held not more than ninety (90) days after the vacancy occurs, unless the Council finds reasonable cause for delay beyond ninety (90) days. If one candidate receives a majority of the votes cast for the office, that candidate will be deemed elected to fill the unexpired term of the office and the second special election will not be held. If no candidate receives a majority, one of~~ votes in that election, a run off election shall be held on the next election date between the two candidates receiving the highest number of votes ~~cast in the first special election will be elected to fill the unexpired term in the second special election.~~
- ~~(c) If a vacancy occurs in an office elective under this Charter less than one hundred and one (101) days and more than seventy (70) days preceding the regular primary election to be held in the fourth year of the term of that office, the Council shall call for a special election to be held not more than forty five (45) days following the regular primary election. The regular primary election will be for the purpose of nomination to fill the unexpired term and nomination of candidates for the next four year term of the office~~

~~to be voted upon in the regular general election. If one candidate receives a majority of the votes cast for the office, that candidate will be deemed elected to fill the unexpired term of the office and the special election will not be held. If no candidate receives a majority, one of the two candidates receiving the highest number of votes cast in the regular primary election will be elected to fill the unexpired term in the special election.~~

~~(d) If a vacancy occurs in an office elective under this Charter less than seventy-one (71) days preceding the regular primary election, but more than seventy (70) days preceding the regular general election, to be held in the fourth year of the term of that office, and the incumbent vacating the office:~~

~~(1) Was one of two or more candidates for the same office in the regular primary election, then if an opposing candidate was nominated by a majority of votes cast in that primary, that candidate will be deemed elected to fill the vacated office until the regular general election and the candidate elected at the regular general election will fill the balance of the unexpired term. If no candidate opposing the incumbent was nominated by a majority of votes cast in that primary, the Council shall call for a special primary election as provided in paragraph (2) of this subsection.~~

~~(2) Was an unopposed candidate for the same office in the regular primary election, then the Council shall call for a special primary election. If the special primary election is held less than one hundred and one (101) days preceding the regular general election and no candidate is nominated by a majority of votes cast, the candidate elected in the regular election will fill the balance of the unexpired term. If the special primary election is held less than one hundred and one (101) days preceding the regular general election and a candidate is nominated by a majority of votes cast, that candidate will be deemed elected to fill the balance of the unexpired term. If the special primary election is held more than one hundred (100) days preceding the regular general election and a candidate is nominated by a majority of votes cast, that candidate will be deemed elected to fill the balance of the unexpired term.~~

~~(3) Was not a candidate for the same office in the regular primary election, then if a candidate is nominated by a majority of votes cast in that primary, that candidate will be deemed elected to fill the balance of the unexpired term. If no candidate is nominated by a majority of votes cast, the Council shall call for a special election in which the candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term.~~

- ~~Any election required by this subsection, between two nominees who received the highest number of votes cast in a prior election, shall be held not more than forty-five (45) days after the prior election.~~
- ~~(e)~~ A person holding an office elective under this Charter may file with the Auditor a written notice of intent to resign from office on a specific future date of the occurrence of a specific event within the unexpired term of the office. The Council then may by resolution schedule and hold the special election or elections, as provided in subsections (b) through (d) of this Section, although no vacancy has occurred. However, no candidate elected to fill an unexpired term under this subsection may take and assume the duties of the office unless and until the vacancy occurs.
- ~~(c)~~ (f) If a vacancy occurs in the ~~Office of City Council~~ or the position of Auditor, the ~~Council may fill the office by appointment pending election as provided therein.~~ position shall be filled through election at the next election date that is at least 70 days from the date the vacancy occurs. If no candidate receives a majority of votes in that election, a run off election shall be held on the next election date between the two candidates receiving the highest number of votes.
- ~~(d)~~ (g) In the event of the death or ~~crippling~~ disability preventing the performance of three (3) or more members of the City Council due to natural disaster, calamity, accident or enemy attack, the ~~following City officials in the order named~~ executive assistants of the deceased or disabled Council Members shall succeed to the vacancies on the City Council: ~~City Auditor, City Attorney, Director of Office of Fiscal Administration, executive assistants of disabled Council members in the order of their seniority as an executive assistant.~~ Any individual serving under this Section shall have all qualifications required in this Charter for an elected official. The City Council ~~thusso~~ constituted shall serve as an interim Council for the purpose of transacting necessary City business until the positions are filled by election as provided in subsections (b) and (c) of this Section. ~~The interim Council so constituted shall as soon as practical select from among qualified citizens of the City of Portland, as defined by Section 2-202 of this Charter, persons to serve as members of the City Council. The persons so selected shall serve until the next regular election. The City Council as thus constituted shall, if the regularly elected Mayor is not a member thereof, elect one of their number as Mayor. Members of the Council as thus constituted shall serve as City Commissioners by this Charter. The Council as constituted under authority of this subsection shall meet in the City Hall, if possible, but may meet at an alternate location which shall be designated in advance by the Council as an alternate site for the transaction of City business. In the event of martial law, the Council shall be organized as by this subsection provided, and it~~

~~shall function to the extent possible under the order establishing martial law. The provisions of this subsection shall be supreme in the event it shall be employed, notwithstanding any other provisions of this Charter or ordinances of the City in conflict therewith.~~

~~ARTICLE 3. EXECUTIVE AND ADMINISTRATIVE POWERS.~~

~~Section 2-301. The Departments.~~ ~~The executive and administrative powers, authority and duties, not otherwise provided for herein, shall be distributed among at least five (5) departments as follows:~~

- ~~-(a) — Department of Public Affairs~~
- ~~-(b) — Department of Finance and Administration~~
- ~~-(c) — Department of Public Safety~~
- ~~-(d) — Department of Public Utilities~~
- ~~-(e) — Department of Public Works~~

~~Bureaus and their functions shall be fixed by the Council by ordinance. The distribution of the bureaus and work among departments shall be made and may be changed from time to time by the Mayor by order which shall be filed and preserved as an ordinance. The names of the departments may be changed in like manner. The Mayor may in like manner assign matters relating to any commission to a particular department.~~

~~Section 2-302. Assignment and Authority of Commissioners.~~ ~~At the first regular meeting after the election of any Council member, the Mayor shall designate one member to be Commissioner In Charge of each department, who shall thereafter be designated as Commissioner of such department, which designation may be changed and a transfer of Commissioners from one department to another be made, whenever it appears that the public service will be benefitted thereby. Such assignment shall be made by the Mayor by order which shall be filed and preserved as an ordinance. The Commissioner In Charge of each department shall have the supervision and control of all the affairs and property which belong to that department, subject to the provisions of this Charter and to such regulation as may be prescribed by the Council.~~

~~Section 2-303. Assignment of Work to Subordinates.~~ ~~The Council shall prescribe the powers and duties of officers and employees, may assign particular officers to one or more of the departments and may require an officer or employee to perform duties in two or more departments. The Council shall make such rules and regulations as may be necessary and proper for the efficient and economical conduct of the business of the City.~~

~~**Section 2-304. Codes.** Codes providing for the administration of the powers, duties and affairs of the different departments and for their organization shall be enacted. Such codes shall provide for a uniform standard for the purchase of materials and supplies and shall provide for a purchasing agent and may provide for inspection and testing of the quality and quantity of the materials and supplies purchased to determine their exact conformity to specifications. Provision shall be made for the transfer of employees from one department to another. Methods shall be provided by which the heads of departments may determine and compare the work accomplished by the department with reference to its expenditures and a comparison with work during a prior period. A definite system of accounting shall be provided for each department showing the work performed and the material furnished compared with the cost thereof, so itemized that it can be determined whether each department is becoming more efficient or less efficient. All materials and supplies of the City shall be properly housed, segregated and tabulated and a perpetual inventory kept showing the additions and depletions thereof. Each department shall report its time and expenses for comparison with the prior month and prior year to show percentage of increase or decrease and shall also report stores and material accounts for like comparison.~~

ARTICLE 3.4. THE MAYOR.

Section 2-4301. Duties. The Mayor shall be the chief executive of the City. In performing the executive functions of the City the Mayor shall exercise a careful supervision over the general affairs of the City and over all of its offices and bureaus. The Mayor shall have authority to enforce and execute all the provisions of the Charter, the City Code, ordinances and resolutions of the City and other applicable law. Except as otherwise provided in this Charter, the Mayor shall have authority to:

- (a) Preside over meetings of the Council and have a vote on each matter before the Council.
- (b) Submit to the Council and the community an annual appraisal of the state of the City and recommendations for Council legislation in the coming year.
- (c) Appoint members of board and commissions subject to confirmation by the Council. Remove members of boards and commissions unless the ordinance creating a board or commission provides otherwise.
- (d) Prepare the budget for submission to the Council.
- (e) Determine by written order and change from time to time the distribution of work among offices and bureaus, including their creation, abolition, merger and separation, and the names of such offices and bureaus and their management personnel.
- (f) Appoint the Chief Administrative Officer, subject to confirmation by the Council, and have sole authority to remove the Chief Administrative

Officer.

- (g) Appoint the directors of all offices and bureaus, subject to confirmation by the Council, provided however that temporary directors may be appointed without Council approval for a period not to exceed 180 days. The Police Chief shall have at least ten (10) *years active police experience.*
- (h) Appoint, direct and discharge all officers and employees of the City except for the personal staff of elective officials and other officials whose appointment is specifically provided for in this Charter.
- (i) Execute all contracts, bonds and other instruments requiring City execution.
- (j) Represent the City in regional and intergovernmental relations.

The Mayor may delegate any non-legislative functions but no such delegation shall relieve the Mayor of responsibility for those functions.

When the Mayor is temporarily absent from the state or temporarily disabled, the President of the Council shall exercise the powers of the Mayor.

Section 2-4302. Investigation of and Suits to Cancel Franchises. The Mayor may, on his or her own motion, and must upon a resolution passed by the Council directing the Mayor so to do, cause to be instituted on behalf of the City such actions or proceedings as may be necessary to revoke, cancel or annul all franchises that may have been granted by the City to any person, company or corporation, which have been forfeited in whole or in part or which for any reason may be irregular and void and not binding upon the City, and the City Attorney, upon the Mayor's demand, must institute and prosecute the suits or actions required to enforce the provisions of this Section. Each Mayor taking office under this Charter shall cause a careful investigation to be made of the exact condition of all franchises theretofore granted by the City, and of the respective rights and obligations of the parties, and the performance of the same.

Section 2-4303. Investigation of Offices. The Mayor may at any time, with or without notice, investigate in person, or through one or more competent persons appointed by the Mayor for the purpose, the offices and accounts of any department of the City or of any employee, and the official acts and conduct of any official or employee in the administrative service of the City, and the money, securities and property belonging to the City in the possession or charge of such department, officer or employee. For the purpose of ascertaining facts in connection with these examinations, the Mayor shall have full power to compel the attendance and testimony of witnesses, to administer oaths, and to examine such persons as he or she may deem necessary, and to compel the production of books, papers, and other evidence. Willful false swearing in such investigations and examinations shall be perjury, and punishable as such. The expense of any such investigation shall be paid out of the General Fund, in the same manner as

other claims against the City are paid. The result of all such examinations and investigations shall be reported to the Council, and such report be filed with the Auditor.

Section 2-4304. Suspensions Pending Investigation. The Mayor shall have power to suspend, pending an official investigation, any officer of the City except Council members or the Auditor for any official defalcation or willful neglect of duty or official misconduct.

Section 2-4305. Notification of Contract Violations. It shall be the duty of every officer and person in the employ or service of the City, when it shall come to such officer's or person's knowledge that any contract or agreement with the City, or with any officer or department thereof, or relating to the business of any office, has been or is about to be violated, forthwith to report to the Mayor all the facts and information within such officer's or person's possession concerning such matter. A willful failure so to do shall be sufficient cause for the removal of such officer or employee. The Mayor shall give a certificate on demand to any person reporting such facts and information that such person has done so, and such certificate shall be evidence in exoneration from a charge of neglect of duty in that respect.

Section 2-306. Promotion of Industry. The Mayor shall have authority to promote industrial growth and assist in securing additional business and industry within the City, and to that end may make expenditures from the General Fund within the budget for advertising the advantages of the City, for assisting private industry and business enterprises in obtaining contracts or business, for assisting new business or industry to find locations in or adjacent to the City, and for such other promotional activities as the Mayor may find appropriate. The City may cooperate with any non-profit organization or other governmental agency in carrying out the purposes of this Section.

ARTICLE 54. THE AUDITOR.

Section 2-5401. Qualifications and Restrictions on Other City Candidacy. There shall be an Auditor of the City of Portland who shall possess the same qualifications required of a ~~Commissioner~~Council member, and in addition, shall at the time of filing a declaration of candidacy, or a nominating petition for the office of Auditor be a Certified Public Accountant, Certified Internal Auditor, or Certified Management Accountant and remain certified as such throughout the term of office, if elected. The Auditor shall be elected at the general municipal election and shall serve for a term of four (4) years. If an Auditor shall be elected without such qualifications or shall cease to have the same, the office shall immediately become vacant. The Auditor shall not run for election to any other City office during his or her term. The act of filing for another City office will be the same as a resignation, which shall be effective as of the date of such filing.

Section 2-5402. Salary. The salary of the Auditor shall be fixed by the Council.

Section 2-5403. Deputies. The Auditor may appoint one chief deputy who shall serve at the pleasure of the Auditor. In addition, the Auditor may deputize other staff in the Auditor's Office to perform duties required by the Council or the Charter. The deputies shall have power to do and perform any act or duty required of the Auditor, and the Auditor shall be responsible for their conduct. The compensation to be paid to all of the Auditor's Office staff shall be determined ~~by Council~~ as part of the City's general compensation plan.

Section 2-5404. Duties in General.

- (a) The Auditor shall be responsible for the following activities:
1. Performance of financial and performance audits of the City, including audits of its boards and commissions, franchises and contracts;
 2. Supervision of City elections;
 3. Maintenance of all official records, including records of the various bureaus, records regarding the City Charter and City Code, and all other records regarding City business;
 4. Provision of official certifications as required by this Charter; and
 5. Other duties as may be assigned by the Mayor or Council with the consent of the Auditor, or as prescribed by Charter.
- (b) The Auditor may delegate, subject to the Auditor's supervision, any of these duties to other City officials or may contract with outside service providers. The Auditor shall remain responsible for the provision of these services. The Council shall provide staffing, funding, and facilities for the Auditor to carry out these duties.

Section 2-5405. Audits.

- (a) The Auditor shall conduct financial and performance audits of City government in accordance with generally accepted governmental auditing standards, and shall appoint, coordinate and monitor the annual audit of the City's financial statements by an independent licensed public accountant.
- (b) City bureau managers shall respond to audit recommendations made by the Auditor, through the ~~Commissioner In Charge~~ Chief Administrative Officer, to the Auditor, in writing within the time specified by the Auditor.

All audit reports and responses shall be made available to the public. The Auditor shall retain workpaper files concerning all audit reports issued for at least six years.

- (c) The Auditor shall make the final determination of acceptability and legitimacy of all claims for payment made against the City.
- (d) The Auditor may require at any time that any or all demands upon the City for payment of money out of the treasury be presented to the Auditor before it can be paid in order to determine whether the money is legally due and payable, and the fund from which it should be paid. ~~Any ordinance or resolution of the City Council providing~~ Any provision for the payment of any demand out of the treasury, whether from public funds or private funds shall be construed as allowing the auditing of the demand by the Auditor, either before payment or as part of the financial audit. The Auditor shall keep an official record of all demands audited by the Auditor showing the number, date, amount, name of the payee, the appropriation if any against which it was drawn and the fund from which it was paid.
- (e) The Auditor shall have access to all information and records required to conduct an audit or otherwise perform audit duties.

Section 2-~~54~~06. Auditor's Duties as Clerk of the Council. The Auditor shall serve as the Clerk of the Council and shall maintain a journal of its proceedings and all of the public records in connection with the Council's official business. The Auditor shall produce an agenda for all formal meetings of the Council; maintain a record of the Council's actions; and make the records available for public inspection as provided by the State Public Records laws. As Clerk of the Council, the Auditor shall maintain and make available current versions of the City Charter and Code and maintain a record of Charter and Code revisions.

Section 2-~~54~~07. Charter Arrangement and Corrections. Subject to Council approval, the Auditor shall have authority to rearrange, renumber, reletter, capitalize, punctuate and divide provisions of this Charter, and to correct clerical errors and omissions and insert captions in accordance with the meaning and intent of the provisions of this Charter, from time to time, and may delete provisions which have become inoperative or any provision ruled invalid by a court of competent jurisdiction. The Auditor may substitute any current title of an officer, bureau, department, or commission in lieu of the title originally appearing in the Charter provision, in accordance with the changes of title or duties subsequently made by law.

Section 2-~~54~~08. Deletion of Charter Terms Referring to Masculine or Feminine Gender. Future amendments to the City Charter shall require the use of terms which are neither masculine nor feminine, unless the context of such Charter provision shall require otherwise.

The City Auditor, with approval of the City Attorney, shall be authorized to change the provisions of the City Charter to delete use of terms which are masculine or feminine, unless the context of such Charter provisions shall require otherwise.

Section 2-5409. Official Oaths and Certifications and Custodian of the City Seal.

- (a) The Auditor, and each of the Auditor's deputies, are authorized to administer an oath and certify any acknowledgement authorized or required to be taken by City ordinance, or law of this State, and the Auditor may require any person presenting for settlement an account or claim of any kind against the City to be sworn before him or her regarding such account or claim, and when so sworn, to answer orally or in writing as to any facts relative to the merits or justice of such account or claim.
- (b) The Auditor shall cause his or her signature to be affixed to all warrants, contracts, bonds, and other official documents of the City as affirmation that the document and the action it represents have been duly authorized as required by this Charter and that the signatures of the other City officials on the document are true and duly authorized.
- (c) The Auditor shall be the custodian of the City's seal.

ARTICLE 5. CHIEF ADMINISTRATIVE OFFICER.

Section 2-501. Appointment and Removal. There shall be a Chief Administrative Officer of the City who shall have managerial qualifications commensurate with the duties of the office.

Section 2-502. Devotion to City Business. The Chief Administrative Officer shall devote full time to the duties of that office and shall hold no other paid position, pursue no other business, be a candidate for no public office, and hold no other public office except as a member of the national guard or military reserve.

Section 2-503. Powers, Duties and Functions. The Chief Administrative Officer shall work under the direct supervision of the Mayor and shall be responsible to the Mayor for the proper administration of all affairs of the City not otherwise assigned in this Charter. The Chief Administrative Officer shall be responsible for the management of the City's operations, administration and personnel, and, except as otherwise provided in this Charter, shall:

- (a)** From time to time recommend to the Mayor the distribution of work among offices and bureaus, including their creation, abolition, merger and separation, and the names of such offices and bureaus and their management personnel.
- (b)** Recommend to the Mayor potential appointees to the position of directors

of offices and bureaus.

- (c) Appoint, direct and discharge all employees of the City other than bureau directors, the personal staff of elected officials and other officials whose appointment is otherwise provided for in this Charter *subject to the Civil Service* provisions of the Charter and applicable law and contracts.
- (d) Prepare for submission to the Mayor the recommended budget and be responsible for the administration of the adopted budget.
- (e) Keep the Mayor advised concerning the operations of all offices and bureaus of the City.
- (f) Establish such financial and accounting records and procedures as will reflect the current financial status of all municipal activities.
- (g) Perform all other duties required by this Charter or assigned by the Mayor.

ARTICLE 6. OFFICERS AND EMPLOYEES.

~~Section 2-601. **Appointive Officers.** The Council shall appoint the City Attorney. The Mayor shall appoint members of boards and commissions subject to Council confirmation. Heads of other offices and bureaus shall be appointed by the Commissioner In Charge of the department to which such office or bureau is assigned.~~
City Attorney. The City Attorney shall:

- (a) Be appointed by a majority vote of the Council and may be removed by a majority vote of the Council.
- (b) *Be a member in good standing of the* Oregon State Bar and be chosen without regard to political considerations and solely with reference to legal and administrative qualifications.
- (c) Be the chief legal officer of the City and perform whatever duties consistent with this Charter are required by the Mayor or Council.
- (d) Appoint and remove all members of his or her staff, such employees to be under the City Attorney's direction and control.
- (e) Engage in no incompatible business or occupation.
- (f) Approve as to form all contracts made by and all bonds given to the City, endorsing such approval in writing.

~~Section 2-602. **Experts. Qualifications and Removals.** All officers appointed by the Council shall serve during the pleasure of the Council. Any may be removed for cause at any time by a majority vote of the Council. A statement of reasons for the removal~~

~~shall be included in the order, and the officer removed shall have the right to make a counter statement in writing which shall be filed and preserved with the order of removal. The order of removal shall not be reviewable. Vacancies in any of such offices shall be filled by the Council. The Council may by ordinance impose any duties upon any officer not inconsistent with the general character of such office, and may divide or consolidate any of said offices. It shall also fix and may change from time to time the salaries of every officer. The officers appointed by the Council shall at the time of their appointment be citizens of the United States.~~

~~The City Attorney shall ~~be a member in good standing of the~~ Bar of the State of Oregon. The City Attorney may have one or more deputies who are members of the Bar of the State of Oregon to be appointed by the City Attorney in writing and to continue during the City Attorney's pleasure. The number and compensation of such deputies shall be fixed by the Council and they shall be deemed removed on the removal or resignation of the City Attorney. The Chief of Police shall have had at least ten ~~years active police experience.~~~~

~~**Section 2-603. Subordinate Offices and Employments.** The Council shall have the power by ordinance to create and abolish all such subordinate offices, places and employments in the service of the City as it may deem necessary for efficient and economical administration. The Mayor and each Commissioner shall appoint and may suspend or remove the incumbents of all subordinate offices and employments in his or her department, subject to other provisions of this Charter. The Auditor shall appoint and may suspend or remove the incumbents of all subordinate offices and employments within his or her office, or under his or her supervision. The chief executive officer of any board, or commission, when authorized to do so by the board or commission, or the board or commission itself shall appoint and may suspend or remove the incumbents of all subordinate offices and employments within his or her offices, or under his or her supervision. All such appointments, suspensions and removals shall be ~~subject to the civil service~~ rules of this Charter except as to incumbents of positions expressly exempted therefrom.~~

~~**Section 2-604. Experts.** ~~The Council may~~**The Mayor and Council may each** from time to time appoint consulting employees to perform technical or scientific services whose employment shall continue only so long as the particular occasion shall continue and who shall not be subject to the civil service rules of this Charter and of whom the qualifications elsewhere prescribed in this Charter shall not be required.~~

~~**Section 2-6053. Requirements for All Officials.** No person shall at any time hold more than one office yielding pecuniary compensation under this Charter or under the Mayor, Council or any departments of the City, unless such offices are part-time or the hours of work of one of such offices do not conflict with the hours of the other office and such employment in different offices is expressly authorized by ordinance.~~

~~**Section 2-6064. City Contracts, Interest In.** Any officer, agent or employee of the City who executes a contract with the City other than an employment contract, any~~

grant, privilege or franchise from the City, who seeks to acquire any City property or interest therein, who seeks to transfer any property or interest therein to the City by sale, rental, lease or legal process of any kind for compensation from City funds, or who has a direct pecuniary interest in such contract, grant, privilege, franchise, or transfer sought by another, shall be disqualified from participating on behalf of the City in any negotiations and or proceedings relating thereto, and all such negotiations and proceedings shall be carried on by the person who would have acted in such officer's, agent's or employee's stead in his or her absence. Subject to statutory restrictions and limitations, such contracts, grants, privileges, franchises and transfers made in accordance with the foregoing provisions of this Section shall not be void by reason of such City position, but shall be voidable by the City for cause. If any officer, agent or employee of the City shall fail to disqualify himself or herself as aforesaid, the contract, grant, privilege, franchise or transfer shall be wholly void and unenforceable in the hands of any person other than a bona fide purchaser for value without notice, and the position of such officer, agent or employee shall immediately be forfeited and such position shall be vacant.

For the purpose of this Section, direct pecuniary interest in a contract, grant, privilege, franchise or transfer shall mean any interest in a partnership, any co-tenancy, a controlling or policy-determining ownership in or managerial control of an association, firm or corporation or its local office or agency, acting as a promoter of an association, firm or corporation, or any commission or brokerage arrangement with or receiving from the City such contract, grant, privilege, franchise or transfer.

Unless permitted by statute and notwithstanding the foregoing provisions of this Section, no Council member shall enter into any contract with the City, seek any grant, privilege or franchise from the City, acquire any City property or interest therein, or sell or transfer to the City without legal process any property or interest therein for compensation from City funds, or have any direct pecuniary interest in any such matters. No Council member shall have any direct ownership interest in any public utility subject to City regulation; however, this prohibition shall not apply to ownership in another association, firm or corporation which maintains varied investments, provided such other association, firm or corporation does not own a controlling interest in such public utility. If any Council member shall voluntarily acquire any direct pecuniary interest in any of such matters with the City while in office, such office shall at once become vacant. If the Council member shall become so interested otherwise than voluntarily, he or she shall within ninety (90) days divest himself or herself of such interest and upon failure to do so, his or her office shall become vacant upon the expiration of the said period of ninety (90) days. Any contract, grant, privilege, franchise or transfer made in violation of this paragraph shall be wholly void, and the City may recover property transferred by it or compensation paid by it and may retain any benefits received by it without right of recovery from it by quantum meruit action or otherwise.

Section 2-6075. Appointments. All appointments of officers, deputies and clerks, to be made under any provision of this Charter, must be made in writing and authenticated

by the person or persons, board or officer, making the same. Any such writing must be filed with the Secretary of the Civil Service Board.

Section 2-6086. Salaries. The ~~salaries~~compensation provided ~~in this Charter~~by the City to all officers and employees shall be in full compensation for all services rendered to the City, and excepting such ~~salaries~~compensation, or except as specifically authorized by the Council, every officer shall pay all moneys coming into his or her hands as such officer, no matter from what source derived or received into the treasury of the City within twenty-four (24) hours after receipt of the same. In the event an officer or employee collects damages from a third person for time lost from such officer's or employee's City service, such officer or employee shall pay to the City Treasurer the money so collected or the total amount paid to such officer or employee by the City or City pension and disability Fund for such time lost, whichever is the lesser.

Section 2-6097. Bidders, Favoring of. Any officer of the City or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies, at a higher price or rate than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information, or who shall willfully mislead any bidder in regard to the character of the material or supplies called for, or who shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount of different kinds of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office, and may be required to reimburse the City for its damages.

Section 2-6408. City Business, Time Devoted to. All officers and employees receiving pay from this City for full time work shall devote their time during business or duty hours to the interest of the City, except when excused as in this Charter provided.

Section 2-64409. Residence of Officials and Employees. All elected officials receiving salary or wages from the City shall qualify as elsewhere in this Charter provided, and shall be residents of the City at the time of their election and continuously thereafter while they hold office. The Council may require by ordinance that appointed officers and employees who begin City employment after the effective date of the ordinance be or become City residents. Violation of a residence requirement enacted pursuant to this Section shall be cause for demotion, suspension, or termination of an officer or employee, if so provided by Council. The Council may provide by ordinance that applicants for appointment or promotion in the classified service of the City be given preference for appointment or promotion if they are residents of the City at the time of application.

ARTICLE 7. OFFICIAL UNDERTAKINGS AND BONDS.

Section 2-701. Requirements for Undertakings and Bonds. Official undertakings or bonds for City officers or employees shall be obtained from surety companies qualified to do surety business in the State of Oregon. The ~~Council~~City may obtain a faithful performance bond, an honesty bond, or insurance for City officers or employees. The ~~Council~~City may obtain an additional undertaking, bond or insurance whenever ~~in the opinion of the Council~~ an undertaking or bond becomes insufficient or additional protection is deemed necessary. Premiums on such bonds and insurance shall be paid by the City.

ARTICLE 8. RECORDS.

Section 2-801. Official Public Records. The public records of all the officers mentioned in this Charter are City property, and must be kept as such by such officers during their continuance in office, and then delivered to their successors or to the Auditor; and such public records may be inspected at any time by any member of the Council, by the Mayor, or by the Auditor. The Auditor shall receive and preserve in his or her office all public records regarding City business filed with him or her according to the Public Records laws of the State of Oregon.

Section 2-802. Inspection and Certified Copies. All public records of every office and department shall be open to the inspection of any citizen at any time during business hours subject to the provisions of the State Public Records laws, except records of bureaus charged with law enforcement relating to investigations for possible prosecutions and interdepartmental or interbureau advice and memoranda, which records shall not be opened for such inspection unless such opening is ordered by a court or specific permission is given by the Council or ~~Commissioner In Charge~~.Mayor. Certified copies or extracts from public records which are open to inspection shall be given by the officer in custody of the record to any person demanding the record who pays or tenders the fee prescribed ~~by the Council~~ for such copies or extracts.

Section 2-803. Ownership Records. The City officers responsible for property management shall keep a record of all property owned by the City and the income derived from it.

CHARTER OF THE CITY OF PORTLAND, OREGON

CHAPTER 3

NOMINATIONS AND ELECTIONS

ARTICLE 1. GENERAL PROCEDURE.

Section 3-101. Time of Taking Office and Terms. Beginning with elections held in 2006, if any candidate for the office of Mayor, ~~Commissioner~~[Council member](#), or Auditor receives a majority of the votes cast in a primary election for that office, that candidate shall be elected. If no candidate for such an office receives a majority of the votes cast in the primary election, the names of the two candidates receiving the highest number of votes cast shall be declared nominees and their names shall appear on the general election ballot in that same year. The nominee receiving the highest number of votes in the general election shall be elected.

Except as otherwise provided in this charter, those elected shall take office on the following January 1 and shall hold office for four years. If, at the end of four years, no successor is yet elected and qualified, the incumbent shall continue to hold office until a successor is elected and qualified.

Except as otherwise provided in this charter, the Mayor and ~~Commissioners~~[Council members](#) for positions 1 and 4 shall be elected every fourth year beginning in 2004, and the Auditor and ~~Commissioners~~[Council member](#) for positions 2 and 3 shall be elected every fourth year beginning in 2006.

Section 3-102. Primary Elections. A nonpartisan primary election shall be held in each even numbered year, or as hereafter provided by the Constitution or general laws of Oregon regulating State partisan primaries, and on the day and month fixed for such State partisan primaries. Such primary election shall be deemed a general election for all matters other than candidacies.

Section 3-103. General Elections. A general municipal election shall be held on the first Tuesday after the first Monday in November in each even numbered year.

Section 3-104. Special Elections. The Council shall have power to call special elections and shall set up procedure for calling such special elections by ordinance. Thereafter, filing dates for measures to be presented at such special elections shall be changed only by regular ordinance, except for correction of errors or omissions in the general ordinance.

Section 3-105. Nonpartisan Primaries.

Nomination of Mayor, Auditor and ~~Commissioners~~[Council members](#), the elective officers under this Charter, shall be nonpartisan and shall be made in conformity with primary methods hereinafter prescribed and provided, subject to the provisions elsewhere contained in this Charter relating to filling of vacancies. The positions of the

~~Commissioners~~Council members shall be designated as Position No. 1, Position No. 2, Position No. 3, or Position No. 4. ~~Commissioners~~ Council members shall be designated by the same position as the ~~Commissioner~~Council member whom they have succeeded or will succeed in office. In all proceedings for the nomination of candidates for the office of ~~Commissioner~~Council member, every petition and individual nomination certificate or declaration for nomination, nominee's acceptance and certificate of election, ballot, or other document used in connection with nominations for ~~Commissioner~~Council member, shall state the official number of the position as ~~Commissioner~~Council member, as herein designated, to which such candidate aspires, and his or her name shall appear on the ballot only for such designated position. At all elections each such office of ~~Commissioner~~Council member to be filled shall be separately designated on the ballot by official position number as herein provided, in addition to other matter required by law to appear thereon. In case no nomination is made at the primary election, nominations may be made at the general election as set forth in this Charter for vacancies occurring at a subsequent date.

Section 3-106. Elections Procedures. The Council shall adopt by ordinance procedures for conducting City elections.

ARTICLE 2. INITIATIVE, REFERENDUM AND RECALL.

Section 3-201. Exercise of Rights. The initiative, referendum and recall shall be exercised within the City of Portland in the manner provided by the Constitution and general laws of the State, and ordinances of the City of Portland, enacted in pursuance thereof.

Section 3-202. Effective Date of Measures. Charter amendments, ordinances or measures adopted by the electors of the City under the initiative or approved by the electors of the City when submitted under the referendum shall take effect at the time fixed therein if such time occurs after the vote thereon; if no such time is designated therein, at the day of the adoption.

CHARTER OF THE CITY OF PORTLAND, OREGON

CHAPTER 7

FINANCE

ARTICLE 1. ACCOUNTING PROCEDURES AND TAXATION.**Section 7-101. Public Moneys and Accounting.**

1. The ~~Council~~City shall ~~by ordinance~~ provide a system for the collection, custody and disbursements of all public moneys, not inconsistent with the provisions of statute and this Charter, and shall ~~by ordinance~~ provide a system of accounting for the City, which shall be so planned as to enable a clear and intelligent statement to be made of the financial affairs of the City from time to time as provided by this Charter.
2. The City Officer responsible for accounting shall keep an account of all moneys paid into and out of the treasury. The City Officer responsible for accounting shall keep a register of warrants, check-~~u~~warrants and checks, showing the funds upon which they are drawn, the numbers, in whose favor, and the appropriations, if any, applicable to the payment thereof.
3. The chief financial officer of the City shall give information as to the exact condition of the treasury and of every appropriation and Fund thereof under control of the ~~Council~~ City, upon demand of the Mayor, or the Council, or any ~~Commissioner~~ Council member or the Auditor. The chief financial officer of the City shall keep the records and accounts of the City in a complete and intelligible manner, but may keep a summary of departmental or bureau records and accounts where he or she finds such summary to be sufficient. He or she shall make an annual statement to the Council showing the receipts and disbursements of the City and the state of each particular Fund and the City's financial condition as soon as records are complete after the close of business on the last day of each fiscal year. The annual report shall contain an accurate statement in summarized form of the financial receipts of the City from all sources and of the expenditures of the City for all purposes, together with a detailed statement of the debt of said City, of the purposes for which said debt has been incurred, and of the accounts of said City with grantees of franchises and the names of the present owners of each thereof, and a summary of the assets and liabilities of the City.

Section 7-102. Expenditures. No money shall be expended or payment made from any fund of the City, except assessment, trust, agency, revolving or working capital

funds, until an appropriation shall be made therefor, but this requirement shall not apply to judgments or lawful investments. An ordinance making an appropriation of money shall not contain a provision on any other subject.

All obligations for interest on the bonded indebtedness of the City and other fixed charges shall be paid as the same mature, or in accordance with the terms of contract or law.

Any liability or liabilities willfully incurred by the [Council](#)[City](#) to be paid in any fiscal year, which singly or in the aggregate shall be in excess of the revenues and receipts for such a year, shall be null and void.

The Council may by ordinance limit the expenditures of every department of the City government, except interest charges and other charges fixed by contract or by this Charter during each fiscal year, or during any month thereof, and any contracts made, debts created or liability willfully incurred in excess of the amounts authorized by the Council, where the Council may so limit the expenditures of moneys, shall be null and void, and the Council shall not authorize any expenditures during any fiscal year, nor shall any liability or liabilities be incurred by or on account of the City of Portland, to be paid in any particular fiscal year (for the payment of which approval of the Council shall be necessary) which singly or in the aggregate shall be in excess of the revenues and receipts received or available during such year, applicable, or made applicable by transfer, to the payment of such liability or liabilities. Nothing contained in this Charter shall authorize the enforcement against or collection from said City, on account of any debt, contract or liability, of any sum in excess of the limitations prescribed in this Section.

The City shall issue no warrants or other evidences of indebtedness, except upon special assessment funds, and the payment of judgments against the City, unless there is money in the treasury applicable to the payment of the same on presentation, and all evidences of indebtedness issued contrary to this provision shall be null and void. Any member of the Council knowingly voting to incur any liability or to create any debt in excess of the amount limited and authorized by the law, shall be deemed guilty of malfeasance in office, and for such malfeasance such member may be removed from office.

Section 7-103. Demands for Payment. Every demand upon the City for payment of money out of the treasury, must, before it can be paid, be presented to the chief financial officer of the City, who shall examine such demand to satisfy himself or herself whether the money is legally due and payable, and out of what Fund it is payable. No demand shall be approved or paid unless it specify each several item, date and amount composing it, and have endorsed thereon the legal authority for its payment. However, the provisions of this paragraph shall not apply to demands for payment out of funds from which any officers, boards or [Commissioners](#)[Council members](#) are empowered by this Charter or other law to require payment without Council authorization, nor to requisitions, checks or warrants thereon. The chief financial officer of the City shall keep an official record of all demands examined by the chief financial officer of the City showing the number, date, amount, name of the payee and against what appropriation, if any, drawn and out of what Fund payable. The chief financial officer of the City shall not allow any demand out of its order to give priority to one demand over another drawn

upon the same specific Fund, except that when liability for any claim presented is not sufficiently apparent to the chief financial officer of the City, he or she may delay the payment thereof until such liability shall be determined.

Section 7-104. Demands, Nonallowance. No demand shall be allowed by the chief financial officer of the City in favor of any corporation or person indebted to the City in any manner, except for assessments or taxes not delinquent, without first deducting the amount of any indebtedness then due of which the chief financial officer has notice, nor in favor of any person having the collection, custody or disbursement of public funds, unless such person's account has been presented, passed, approved and allowed as herein required, nor in favor of any officer determined by the Mayor ~~or Commissioner In Charge~~ to have neglected to make his or her official returns or reports in the manner and at the time required by law, ordinance or the regulation of the ~~Council~~City, or to have neglected or refused to comply with any of the provisions of law regulating such officer's duties, nor in favor of any officer or employee found by the Mayor ~~or Commissioner In Charge~~ to have absented himself or herself without legal cause or duly granted leave of absence from the duties of his or her office during office hours, after such determination has been transmitted and filed with the chief financial officer.

Section 7-105. Warrants. When payment of a demand has been authorized ~~by the Council~~ and approved as provided in this article, the Mayor and Auditor shall draw warrants on the Treasurer therefor. Such warrants must be signed by the Mayor and attested by the Auditor; but no warrants, except such as are issued upon funds created by special assessments, or warrants issued in settlement of judgments of the courts, shall be drawn signed by the Mayor or attested by the Auditor until the money for the payment thereof is in the hands or under the control of the City Treasurer. Check-warrants countersigned by the Treasurer, checks signed by the Treasurer, or other method of payment authorized by law may be used in lieu of warrants. Such check-warrants or checks shall be drawn upon a bank in which the Treasurer has deposited money for such purpose.

Section 7-106. Transfers from Funds. It shall be lawful to transfer money from the General Fund to any other fund of the City and from the bonded indebtedness interest fund to the Improvement Bond Interest Fund, and to make any transfer permitted by statute, and the Council may provide that money transferred must be returned to the fund from which it was transferred.

Section 7-107. Reversions to General Fund. When the necessity for maintaining any fund of the City has ceased to exist and a balance remains in such fund, the Council shall so declare by ordinance, and upon such declaration, such balance shall be forthwith transferred to the General Fund unless other provisions have been made in the original creation of the fund. However, the purposes of a special fund may be enlarged for similar objects.

Section 7-108. Investments. Whenever bonds of the City of Portland are offered for sale, and there is a balance to the credit of any fund, not invested, said bonds may be

awarded at par and accrued interest to the City Treasurer for the nearest practical amount, to consume said balance, and shall be held by the City Treasurer as an investment for said fund. When the bonds of the City of Portland are not offered for sale at a time or in sufficient amount to provide for the investing of any such balance, the CouncilCity may provide for investing the same in any general obligations of the United States Government, State of Oregon, the City of Portland, Multnomah County, School District No. 1 of Multnomah County or Port of Portland, or in any other bonds or investments permitted by statute, and to that end the CouncilMayor may authorize the Treasurer to purchase the same on the open market if there is an established market therefor, or to submit a bid for any such bonds which are about to be issued for sale, or may authorize the Treasurer to advertise for proposals from persons holding any such bonds. Purchase of bonds upon bids shall be made by the CouncilCity on the basis of the most advantageous bid received, reserving the right to reject any and all bids. All interest received from such investments shall be credited to the fund from which the investment was made unless specifically provided otherwise by Charter or statute, provided, that two (2) or more funds may be joined in one investment, a suitable provision being made for keeping an account of the amount invested from each fund and making an apportionment of the interest and principal when received. The CouncilCity may sell any bond or investment so purchased, when the same may not be payable at or near the time when such funds may be needed for the purpose for which the sinking fund or special fund was created, on the open market, if there is an established market for such investments, or, if there is no such established market, to the highest and best bidder after advertising for proposals in the City official newspaper by publication for at least five (5) days. Pending the investment as herein provided of any surplus or idle funds, the same shall be deposited in a depository bank which has qualified and been selected as a depository pursuant to statute.

Section 7-109. Independent Audits. At the close of each fiscal year the books and accounts and the financial affairs and transactions of the City shall be audited by an independent licensed public accountant or firm of such accountants appointed by the City Auditor with the approval of the Council. Such audits shall also be made for various departments, as provided in this Charter. The City Auditor may from time to time and as often as he or she shall deem necessary, have like audit made of the books and accounts, and the financial affairs and transactions of the City or any part of City government.

Section 7-110. Annual Tax Levy. The Council shall, subject to applicable statutory provisions and at the time provided by law, levy upon all property not exempt from taxation, taxes for the coming fiscal year, as follows:

1. A tax to provide for the payment of the expenses of the City, subject to constitutional limitations, aside from any special levy or levies authorized for said year and aside from any levy for the payment of bonded indebtedness and interest thereon. The proceeds from the tax levy so made shall be credited to the General Fund.

2. Also a tax sufficient to meet the interest on the bonded indebtedness of the City to be credited to the Bonded Indebtedness Interest Fund.
3. Also a tax of not less than four-tenths of one mill on each dollar valuation not exempt from taxation to provide for the purchase of securities as an investment and/or payment or redemption of the bonded indebtedness of the City, to be credited to the sinking funds, or bond redemption funds. In all cases a tax shall be levied sufficient to provide for principal repayments on general obligations of the City.
4. Nothing herein contained authorizing general or special tax levies shall affect the right or power of other commissions to levy a tax as provided elsewhere in this Charter.
5. At the same time other levies of taxes are made and in addition to tax levies authorized by the Charter or other authorizations by the voters, the Council shall levy each year a special tax of three-tenths of a mill on each dollar of the assessed valuation of the property in the City of Portland not exempt from taxation, which shall be credited each year to the Fire and Police Disability and Retirement Fund provided for by Section 5-101 of the Charter and said special tax of three-tenths of a mill shall be in addition to all other taxes which may be levied according to law.
6. Nothing herein contained shall affect the right, power or duty of the Council to levy special taxes heretofore or hereafter authorized by the voters, and special taxes authorized and found necessary shall be levied.

Section 7-111. Interim Borrowing. The ~~Council of the~~ City of Portland is hereby authorized to borrow from time to time sufficient funds to meet the current expenses of the City of Portland during each fiscal year pending the collection of the annual tax levy for such fiscal year.

Section 7-112. Limited Special Tax Levies. Special taxes for fixed amounts or limited terms, may be levied and collected at the same time and in the same manner as other tax levies, upon approval by a majority of the City electors voting thereon. Measures for such special tax levies shall be submitted to the electors in the form of separate acts at a general or special election as authorizations or directions to the City Council or other levying body, without provision for amendment to this Charter. Copies of such measures approved by the voting majority shall be kept by the City officer responsible for accounting in a separate Current Special Tax Levy Register, and shall be public records having the same effect as though included in this Charter by amendment. All such authorizations for special tax levies not fully used or which have not fully expired by their terms, which were included in the City Charter at the time of passage of this amendment or approved at the time of passage of this amendment, shall be continued in full force and effect regardless of deletion from the Charter and shall be included by the City officer responsible for accounting in the Current Special Tax Levy Register. After the authority for a special tax levy has been fully used or has expired, it shall be

removed from the current register and placed in a File of Completed Special Tax Levies. This Section shall not apply to authorizations to levy special taxes which by the provisions thereof, grant continuing authority from year to year without period limitations, notwithstanding stated maximum amounts or millage limits on the taxes which may be levied for any one year. Such authorizations shall continue as part of this Charter.

Section 7-113. Transient Lodgings Tax.

1. The Council may by ordinance impose and levy a tax not exceeding five percent on gross amounts of money, credit or other things of value paid to or received for lodging by the owner or operator of any hotel, motel, apartment or lodging house, mobile home or trailer park or court, or any other place in the City where space designed or intended for lodging occupancy is rented by any person or persons, for any period less than monthly. This tax shall not apply to hospitals, convalescent or nursing homes, or public institutions, or permanent occupancy as defined by ordinance. Minimum rentals to which the tax shall apply may be fixed by ordinance. The tax imposed shall be collected by the owner or operator of the rental space in addition to the rental charge, at the time of payment of rent. City revenues from such taxes shall be credited to the General Fund of the City and used for general City purposes, as the Council may find appropriate, which may include provision for and the acquisition, construction, operation and maintenance of recreational, cultural, convention or tourist-related facilities or services.
2. In addition to any other tax authorized by this Section of the Charter the Council shall by ordinance impose and levy a tax of one percent on gross amounts of money, credit or other things of value paid to or received for lodging by the owner or operator of any hotel, motel, apartment or lodging house, mobile home or trailer park or court, or any other place in the City where space designed or intended for lodging occupancy is rented by any person or persons, for any period less than monthly. This tax shall not apply to hospitals, convalescent or nursing homes, public institutions, or permanent occupancy as defined by ordinance. Minimum rentals to which the tax shall apply may be fixed by ordinance. The tax imposed shall be collected by the owner or operator of the rental space in addition to the rental charge, at the time of payment of rent. City revenues from such one percent tax increase, after providing for the cost of administration and any refunds or credits authorized by ordinance, shall be used exclusively as provided hereinafter for the promotion, solicitation, procurement, and service of convention business and tourism in the City. Notwithstanding any other provision of this Charter, the City from time to time for periods not to exceed five (5) years, subject to annual review, shall negotiate contracts with a non-profit corporation or with non-profit corporations organized under the laws of Oregon, whose primary purpose during the term of the

contract or contracts is the promotion, solicitation, procurement and service of convention business and tourism in the City, for that corporation or corporations to expend revenues collected pursuant to this subsection for the purposes set forth in the subsection. In entering into the contract or contracts, the Council shall consider the recommendations of the persons subject to the tax imposed by this subsection. The Council shall in its sole discretion determine the portion of such revenues to be allocated between convention business and tourism.

ARTICLE 2. BOND ISSUES.

Section 7-201. Issuance of Bonds. No bonds, other than bonds for public improvements payable out of assessments upon the property benefited and sewer bonds if otherwise authorized, shall be issued unless authorized by Charter or statute or unless approved by vote of the people at a general or special election. After the effective date of this amendment, measures for such bond issues limited in time or total amount shall be submitted to the electors, in the form of separate acts, without provision of amendment of this Charter, as authorizations or directions to the City Council or a commission established under this Charter. Copies of such measures approved by the voting majority shall be kept in a separate Book of Bond Issue Authorizations, and shall be public records, having the same effect as though included in this Charter by amendment. All such bond authorizations not fully used or which have not fully expired by their terms, which were included in the City Charter at the time of passage of this amendment or are approved at the time of passage of this amendment shall be continued in full force and effect regardless of deletion from the Charter and shall be included in the Book of Bond Issue Authorizations. After the authority for a bond issue or serial issues has been fully used and all the bonds issued thereunder have been paid or matured, the copy of the measure or authorization shall be removed from the current book and placed in a file of Completed Bond Issue Authorizations. This Section shall not apply to authorizations to issue bonds or other evidences of indebtedness which, by the provisions thereof, grant continuing authority without a stated total which may be issued thereunder, notwithstanding stated debt limitations or maximum amounts which may be outstanding at any one time. Such authorizations shall continue as part of this Charter.

Section 7-202. Refunding Bonds. For the purpose of funding any bonded indebtedness, including water bonds, of the City of Portland, or any bonded indebtedness for which the City of Portland has become or will become liable by operation of law through annexation, merger or consolidation of any part or all of a municipal corporation or unit of government, already matured or to mature in the future, the City of Portland is authorized and empowered to issue and dispose of bonds of the City of Portland, Oregon, of the denominations of from one hundred dollars (\$100) to one thousand dollars (\$1,000) as the purchaser may desire, or as the Council may find appropriate, which bonds may be made general or limited obligations of the City. Such bonds shall be for a term fixed by the Council and the total amount of such refunding bonds shall not exceed the face or par value of the bonds to be refunded. Before such

refunding bonds can be sold, the ~~Council~~City shall cause to be inserted for two (2) successive weeks in the City official newspaper and in at least one paper in New York City making a specialty of such matters, an advertisement inviting sealed bids for the purchase of said refunding bonds. Among equal bidders preference in the sale and allotment shall be given to the bidders residing in the State of Oregon and subscribing for the smallest denominations.

Section 7-203. Bond Issuance Procedure. Measures to authorize issuance of bonds shall state therein whether such bonds will be general obligations of the City or limited to particular sources of revenue. Such measures shall also state in general terms the objectives or purposes for which the proceeds are to be used, but need not state that a portion of the proceeds may be used for cost of advertising, bond issuance and sale, legal fees and costs, planning, engineering, inspection, administrative costs and other costs found necessary to permit utilization, furtherance or completion of the objectives and purposes set forth in such measure, and such use hereby is authorized. The Council may provide by ordinance details or amplification in connection with the expenditure of the proceeds of any bond issue.

After approval by a majority of the electors voting on a bond measure, the ~~Council~~City shall, before issuing any such bonds, determine the denominations, form and term for such bonds. The ~~Council~~City shall prescribe the dates for the redemption of each bond issue and may authorize the issuance of bonds from time to time within the limitation of the amount authorized. Such bonds shall bear the facsimile signature of the Mayor and the Auditor of the City of Portland in the manner prescribed by the City in authorizing the sale of bonds. By each of such bonds the City shall be held in substance and effect to undertake and promise to pay to the holder of each of said bonds at the expiration of the time specified therein, the sum named therein, in lawful money of the United States of America, and promise to pay interest thereon in like lawful money at such rate as the ~~Council~~City may determine, not exceeding the percentage fixed by the ~~Council~~City, payable at such periods as shall be provided by the ~~Council~~City. The Council may prescribe other features of such bonds.

None of such bonds shall be sold without prior advertisement in the manner prescribed by law, and all sales shall be to the bidder whom the ~~Council~~City finds to have made the bid most advantageous to the City. The ~~Council~~City may, in its discretion, provide that competitive bidding shall be partially or wholly upon rate or rates of interest, and in that case the award shall be fixed according to the bid which, in the opinion of the ~~Council~~City, would be most advantageous to the City. The ~~Council~~City shall have the right to reject any and all bids or alternative bids, and to proceed to readvertise when bids are not satisfactory, so as to obtain satisfactory bids, which may be called for on the same or different basis. The ~~Council shall~~City may exercise such other and additional powers and authority, within the restrictions above mentioned, relating to the issuance of bonds as may be necessary or convenient for accomplishing the objectives hereof.

The ~~Council shall~~City may by ordinance establish a special fund and fix the designation thereof, into which fund the proceeds from the sale of bonds issued under particular authority shall be placed, and the City Treasurer shall have the care and custody of all money deposited in such fund.

The CouncilCity may establish a separate sinking fund from which to pay and redeem bonds issued under a particular authorization.

Whenever a commission has been or shall be authorized to issue bonds, by an existing Charter provision or provision approved simultaneously with adoption of this Section or any future measure, acts required or authorized by this Section to be done by the CouncilCity shall be required or authorized to be done by such commission.

Section 7-204. Bonded Debt Limitation. Bonds which are general obligations of the City shall not be issued if the total of such bonds outstanding minus reserves accumulated for repayment thereof exceeds four percent of the true cash value of all taxable real and personal property in the City, but in estimating such bonded indebtedness, bonds issued pursuant to applications to pay assessments for improvements in installments under statutory or Charter authority, bonds on which principal and interest are payable exclusively from revenues derived from the sources fixed in said bonds, and bonds excluded from statutory debt limitations for cities shall not be counted. This limitation does not affect the right of the City to issue refunding bonds. This Section shall not apply to bonds specifically authorized by a majority of the electors to be issued notwithstanding this limitation.

CHARTER OF THE CITY OF PORTLAND, OREGON

CHAPTER 8

ADVERTISING AND CONTRACTS

ARTICLE 1. AUTHORIZATION.

Section 8-101. Annual Contract for Official Advertising. A contract for official advertising shall be let periodically by the ~~Council~~City to the lowest responsible bidder publishing a daily newspaper in the City of Portland and which has a bona fide circulation therein.

The paper to which the award of such advertising is made shall be known and designated as the "City official newspaper."

If the City official newspaper ceases to be published, or for any cause the contract in effect is canceled or terminated, a new contract for the unexpired term of the current contract shall be let to the lowest responsible bidder publishing a daily newspaper as provided in this Charter, and until such new contract is let the ~~Council~~City shall designate a daily newspaper in which all advertising shall be published, which newspaper shall be known and designated for the time being as the "City official newspaper."

Section 8-102. Place for Advertisements. All advertising and publications provided for in this Charter must be made in the City official newspaper and may be made in such other publications as the ~~Council~~Mayor may direct.

Section 8-103. Definitions, "Successive" and "Consecutive." Any requirement of this Charter for any form of notice to be published in the City official newspaper for a stated number of successive or consecutive days shall be construed to mean publication of such notice in the stated number of consecutive issues of said newspaper, and publication of said notice in said stated number of consecutive issues of said newspaper shall be a full compliance with such requirements.

Section 8-104. When Written Contracts Required. The City of Portland shall not be bound by any contract nor in any way liable thereon, unless the same is ~~authorized by an ordinance and~~ made in writing and signed by some person or persons duly authorized by the ~~Council.~~Mayor. But ~~an ordinance~~the Mayor may authorize any board, body, officer or agent to bind the City without contract in writing for the payment of any sum not exceeding twenty thousand dollars (\$20,000); such amount to be adjusted annually based on the average inflation rate for the Portland Metropolitan Area as determined from the U.S. Department of Labor statistics. Notwithstanding the provisions of this Section, however, the ~~Council~~Mayor may waive the written contract requirement when work, materials or supplies are necessary for an emergency involving public safety or health.

Section 8-105. When Formal Bids Required. The ~~Council~~City shall make no purchase of supplies or material in which a written contract is required under this Charter, without having duly advertised for bids on the same in the City official newspaper. On all other purchases of supplies and material, informal bids may be obtained. The ~~Council~~City shall have no power to let any contract for any public improvement or for any supplies for the City of Portland for which formal bids are required unless such contract be let to the responsible bidder for the class or kinds selected by the ~~Council~~City whose bid is found ~~by the Council~~ to be most advantageous to the City. The ~~Council~~City shall have the right to reject any and all bids or any part thereof. This provision shall not prevent the ~~Council~~City from employing labor direct to construct or carry on public works or to make public improvements. This Section shall not be applicable to purchase of particular supplies or material when the ~~Council~~City determines that no other product of equal value, utility or merit to the City is available for the same purpose or that the particular make or design of product is necessary for use in connection with equipment or property already owned or being acquired by the City, or that it is otherwise impracticable to obtain competition; in the event of such determination, the ~~Council~~City may authorize purchase without prior bidding or advertisement therefor.

Notwithstanding the provisions of this Section, the ~~Council~~City may authorize obtaining informal bids without advertising when materials or supplies or a particular public improvement are urgently necessary for the public welfare and the time for advertising would result in delay improper in the circumstance.

If the ~~Council~~City has rejected all bids on the ground that the same were excessive, identical, collusive, non-responsive or otherwise unacceptable in the public interest, further advertising may be waived by the ~~Council~~City, and purchases or improvements may be authorized within ninety (90) days after such rejection without bids on a negotiated basis.

Section 8-106. Contract for Animal Pound. ~~The Council may, in its discretion, make~~ The City may make and enter into a contract with any association or corporation which shall have been organized and engaged in the prevention of cruelty to animals, delegating thereto upon such terms as may be fixed by the ~~Council~~City the duty and power of maintaining and operating a pound and enforcing in a humane way ordinances relative to the regulation, restraint and disposition of, dogs and other animals, birds, fowl and reptiles; the ~~Council~~City may invest agents and employees of said organization with all necessary police authority for the enforcement of said ordinances.

CHARTER OF THE CITY OF PORTLAND, OREGON

CHAPTER 9

LOCAL IMPROVEMENTS; ASSESSMENTS; COLLECTIONS

ARTICLE 1. GENERAL PROVISIONS.

Section 9-101. Definition, "Street." As used in this Charter, "street" includes any street, avenue, boulevard, alley, lane, bridge, bicycle path, road, walk, public thoroughfare or public way, and any land over which a right of way has been obtained, or granted and accepted for any purpose of public travel.

Section 9-102. Definition, "Sewer." As used in this Charter, "sewer" includes all trunks, mains and extensions thereof, pipes, ducts, laterals, branches, manholes, lampholes, catch-basins, pumping stations and appurtenances, ditches, canals, ducts, aqueducts, gates and all other apparatus, structures and devices which the ~~council~~[City](#) finds reasonably necessary or proper for the disposal of sanitary sewage, or for drainage including storm water drainage, and also the relaying, repairing, reconstruction or renewal thereof. The term includes widening, deepening, straightening and diverting channels of streams, improving water fronts, filling or grading lakes, ponds or other waters and increasing or diminishing the flow of waters in natural or artificial channels, and other acts and things found necessary or appropriate for sewerage, drainage and proper disposal thereof. Use of the term "sewer" shall not require that all purposes set forth above be handled by a single facility, and construction and use of a sewer may be limited to any one or any combination of said purposes.

Section 9-103. County Roads as Streets. All County roads lying within the limits of the City of Portland which have not been laid out or accepted as streets by authority of the City shall remain and be County roads until they are laid out or accepted by the City as streets, and be under the jurisdiction of the County court or the Board of County Commissioners of the County in which such road is located, and shall be worked, maintained and improved as County roads outside the limits of the City are worked, maintained and improved.

The Council may, by resolution, upon order of the County signifying its willingness to accept the same, relinquish to the County for the purpose of work or improvement, control of all or any portion of any street connecting with a County road. Thereupon such street to that extent shall be under County control and shall be worked and improved in like manner as County roads until the County relinquishes its jurisdiction, and the City accepts the same.

Section 9-104. Costs of Improvement. For estimated assessment and final assessment purposes the cost of a local improvement shall be the actual cost as defined by ordinance. Allowances for engineering and superintendence as part of the actual cost shall be fixed by the Council by general ordinance from time to time.

Section 9-105. Progress Payments. The ~~Council~~City may make progress payments for all local improvement work by the issuance of interest-bearing warrants against the special assessment fund to be created for such improvement.

Section 9-106. Payment for Work. Payment for costs of a local improvement shall be drawn against and payable solely from a special assessment fund. Into this fund shall be paid all money collected from assessments for local improvements. The fund shall be used for payment of actual costs of the improvements. Each local improvement project shall be accounted for separately in the special assessment fund.

Section 9-107. Local Improvements. The definition of a local improvement and the procedures for making local improvements shall be governed by this Charter, ordinance, or State law.

Section 9-108. Condemnation. Whenever the Council finds it necessary to take private property for a public purpose, it may purchase the same or may direct proceedings to be taken under the general laws of the State or the general ordinances of the City to obtain the property or interest therein.

ARTICLE 2. STREET GRADES.

Section 9-201. Original Establishment. When the ~~Council~~City has not established the grade of a street or part thereof, it may at any time be established by the ~~Council~~City without taking any of the proceedings provided for in this Article, by setting forth the elevation of the finished road surface at the center line of the street or portion of a street designated for travel.

Section 9-202. Authority to Change Grades. The ~~Council~~City may change any established street grade, may determine the amount of any damages to be paid as a result of the change, and may make a local assessment therefor. Variation of one foot or less above or below an established grade shall not constitute a change of established grade. When a structure, including pavement, driveway, building, or other construction, has been constructed upon abutting property after original establishment of grade, and damages are claimed as hereinafter provided for that structure, no change of grade shall be made without determining whether any damage is sustained and providing for payment of any such damages as set forth in this Article. In other cases the Council shall determine whether or not damages to abutting property shall be considered or awarded.

Section 9-203. Initial Engineer's Report. Whenever the ~~Council~~City deems it expedient to change the grade of any street or part thereof within a district continuously affected by the change of grade, ~~it shall direct the Engineer to report thereof. The Engineer shall thereafter,~~ as soon as convenient, file with the Auditor a report showing the location and nature of grade changes which in the Engineer's judgment should be made. The report shall also describe the area which the Engineer deems to be affected by the proposed change of grade.

Section 9-204. Notices and Hearing. The ~~Council~~Mayor may approve the initial report of the City Engineer by resolution, or make changes therein, and declare its intention to make such change of grade, stating the location and nature of the proposed grade change. The Auditor shall publish in five (5) successive publications of the City official newspaper notice of the proposed change of grade, setting forth the nature of the proposed change, the time within which objections against such proposed change of grade and claim for damages may be filed in writing with the City official designated by ordinance, and the time when said matter and objections will be heard by the Council. Objections and claims for damages may be filed within twenty (20) days from the first publication of the notice. The time for hearing shall be the next regular meeting of the Council following said twenty (20) days. Within five (5) days from first publication of the notice, the City Engineer shall cause to be posted on the street or streets affected by the proposed change of grade, a notice headed, "Notice of Change of Grade," containing a legible copy of the notice published. One of such notices shall be posted at or near each street intersection where the proposed change of grade is to be made. If no intersection is affected by the change of grade then the posting of one notice at or near the intersection closest to the maximum point of change of grade shall be sufficient. The City Engineer shall maintain in the project file an affidavit of posting stating the date when and the places where the notices were posted. The Auditor also shall send notice to the persons named as owners of the property within the affected area designated in the Engineer's report ~~as adopted by the Council~~. If the address of any named owner is unknown and if that person has an agent whose name and address is known, notice shall be mailed to that agent; otherwise it shall be mailed to the named owner addressed at Portland, Oregon. However, failure of any such person or the true owner to receive the mailed notice shall not invalidate the proceedings.

Section 9-205. Objections, Claims for Damages. At the time of hearing, if the Council finds that no claims for structural damages have been presented by property owners and that any objections filed do not represent three-fifths in area of the property affected, the ~~Council~~City may ~~by ordinance~~ make such change of grade without awarding damages and without further proceedings, or may determine that a further report concerning damages to owners of property injured and benefits to owners of property specially benefitted should be made by the City Engineer. If the Council finds that the owners of more than three-fifths in area of the property affected have filed written objections, no further proceedings shall be taken for a period of six (6) months, except on petition of the owners of more than half in area of the affected property, or unless the Council determines that an award of damages shall be made for probable injuries to property. If the Council determines at the hearing that there are probable injuries to affected property as a result of the proposed change, then the Council may direct the City Engineer to report on damages and benefits. All owners' claims for damages shall be verified and shall state the facts upon which the claim is based and the amount thereof.

Section 9-206. Award of Damages and Assessment of Benefits. A report by the City Engineer on damages and benefits shall state the amount of damages which in the

Engineer's judgment should be awarded to the owner of each property injuriously affected by the proposed grade change and a detailed proposed assessment on each lot and parcel of land in the Engineer's judgment specially benefitted, proportionate to its share of benefits resulting from the change. Upon the filing of the report the same procedural steps shall be taken with like force and effect as provided for municipal condemnation proceedings.

ARTICLE 3. ELIMINATION OF GRADE CROSSINGS.

Section 9-301. Authority of CouncilCity. The CouncilCity has authority to determine whether any railroad crossing of any street within the corporate limits of the City at or near street grade is dangerous, and to provide for the elimination of that grade crossing.

Section 9-302. Plans and Specifications. Whenever the CouncilCity finds that a railroad grade crossing should be eliminated, it may ~~by ordinance~~ require the City Engineer to prepare plans and specifications for, and estimates of, the cost.

Section 9-303. Conference with Railroad Engineer. In preparing plans, specifications and estimates, the City Engineer shall confer with the Civil Engineer of any railroad company having an interest in the crossing, for the purpose of determining a reasonable plan and method for eliminating it. If the City Engineer is unable to agree with the Engineer of the railroad company, the City Engineer shall proceed to determine a proper and reasonable plan and method of eliminating said grade crossing; provided, however, that if the civil engineer of an interested railroad company does not confer with the City Engineer after ten (10) days written notice, the City Engineer may proceed with the preparation of plans, specifications and estimates without a conference.

Section 9-304. Filing of Plans and Objections. The City Engineer shall file with the Auditor a report on elimination of the grade crossing with the necessary plans, specifications and estimates of the cost. The City ~~official designated by ordinance~~ shall notify in writing each interested railroad company, and any company shall have thirty (30) days from date of the notice to file with the Auditor objections thereto, or to propose modifications thereof, or to file other or different plans and specifications, together with the estimates of the cost.

Section 9-305. Consideration of Plans and Report of Damages. Within three (3) months after the thirty (30) day period for filing objections, the Council shall consider the report, objections, plans, specifications and estimates filed, or may refer the matter to a ~~commissioner~~Council member or committee of ~~commissioners~~Council members for this purpose, in which event the City official designated by ordinance shall mail five (5) days notice in writing to any company interested when the ~~commissioner~~Council member or committee will consider the matter, and at the time specified any company may attend and be heard thereon. Upon filing of the ~~commissioner~~Council member's or committee's findings and recommendations, the Council may adopt a plan and method for eliminating the grade crossing and adopt specifications therefor, or it may dismiss the proceedings. If it appears that change of street grade will be required in eliminating

the grade crossing, the Council shall determine whether such grade shall be changed, with or without considering damages to adjacent property. If the Council determines to consider damages to adjacent property, it shall require the City Engineer to report the estimated damages that property may sustain by reason of the change of street grade, based on the depreciation, if any, in market value on account of the change of street grade. In estimating the depreciation of market value, the City Engineer shall take into account the benefits, if any, the effect which the proposed improvement will have upon market value of the property, and the probable assessment against the property for the improvement.

Section 9-306. Apportionment of Damages and Benefits. Upon filing of the City Engineer's report on damages, the Auditor shall publish in four (4) successive publications in the City official newspaper a notice that such report has been filed, stating the amount of damages to each property as estimated by the City Engineer, the date when the report of the City Engineer will be heard by the Council, and that written objections thereto may be filed with the Auditor any time prior to the day of hearing. The date of hearing shall be not less than five (5) days after the last publication of notice. The Auditor shall also send a copy of the published notice to each person interested in land affected. If the address of such person is unknown, and if such person has an agent whose name and address is known, notice shall be mailed to the agent; otherwise it shall be mailed to the owner addressed at Portland, Oregon. At the time of hearing the Council shall consider the report and all objections thereto and may refer it to any committee or ~~commissioner~~[Council member](#) for further hearing and report. At any time thereafter the Council may determine the damages to be awarded for the change of street grade.

If construction is contemplated ~~by the Council~~ in order to effect the elimination of a railroad grade crossing, no proposed assessment to property benefitted by the change of street grade need be made in the proceedings for change of street grade, but rather a statement may be made that such damages will be assessed as a part of the total improvement cost or will be financed in a particular manner. Thereafter the cost of making the change and improvement shall include, as part of the cost, the total damages awarded on account of such change of street grade. The Council shall determine whether any portion of the total cost of the improvement shall be financed by assessment of benefits to property within an assessment district as a local improvement, and if so, the total cost shall be apportioned as follows: sixty percent shall be paid by the company or companies owning or controlling the railroad trackage at the crossing; no more than twenty percent shall be assessed against the property benefitted thereby within the district fixed by the Council; and the balance may be paid by the City, or as the Council may determine. Total cost shall include the cost of raising or lowering tracks within street boundaries, but the raising or lowering of tracks outside street boundaries shall be the sole responsibility and expense of the railroad company. Total cost shall also include all other costs and expenses of the improvement, plus damages to property within the district. Whenever the street is occupied or used by more than one railroad company, the railroad's share of the total cost of the improvement shall be apportioned among them. The cost and expense of raising or

lowering the grades or tracks outside street area to be borne by the affected companies shall be apportioned by the Council unless, within thirty (30) days after the Council orders the improvement, all affected companies file with the Auditor their mutual agreement thereon.

Section 9-307. Advancement to Special Fund. If damages are allowed to adjacent property owners because of the change of street grade, upon final determination of the amount to be awarded to each property owner and upon determination by the CouncilCity to proceed with the improvement~~-as provided in Section 9-408~~, the CouncilCity shall loan or otherwise transfer from any available fund to the special assessment fund, an amount sufficient to pay all such awards. The warrants then shall be drawn in favor of the persons entitled thereto in the amounts awarded, payable upon demand, with interest as set by ordinance. No such warrant shall be delivered to a property owner who has been allowed damages until the owner applies therefor and files written acceptance of such allowance, or until the amount of award has been finally determined. The advancement authorized herein, with interest as set by ordinance, is part of the cost of the improvement and the amount of the advancement with interest shall be returned to the fund from which it was advanced, subject to the apportionment of the City's share, if any.

Section 9-308. Remonstrances, Assessments and Collections. If a portion of the cost of eliminating a railroad grade crossing is to be financed by local improvement assessments, the procedures for establishing a local improvement district and assessing property shall be followed. Remonstrances may be filed with the Auditor by property owners within the time to be fixed by resolution. Upon the expiration of that time, the Council shall determine whether or not to proceed with the matter. If the Council determines to proceed it may overrule any and all remonstrances. Assessments made hereunder shall be entered in the docket of City liens and collected in the same manner as other assessments and the amount to be paid by a railroad company also shall be entered on the docket of City liens and shall constitute a lien against all property of the company in the City. If any railroad company fails to pay or bond the assessment within the time provided for paying or bonding assessments for street improvements, the City may proceed by court process to require payment, or may proceed to collect the same by suit or action as other assessments are or may be collected, or by both procedures.

Section 9-309. Bonding of Assessments; Changes of Grade. Persons, including railroad companies whose property has been assessed for the improvement eliminating a railroad grade crossing, have the right to bond their assessments in the same manner as provided for bonding assessments for other local improvements. No further proceedings shall be required to change the grade of the street than as specified in this Article, and upon the completion of the improvement, the grade of the street shall be deemed changed to the grade established by the improvement.

Section 9-310. No Impairment of Duty Under Franchise or Ordinance. Nothing in this Article shall impair the right of the City to require the holder of a franchise or other

person, required by ordinance or otherwise to pave a portion of street, to move any facility at his or her own expense or to improve a portion of street, to carry out his or her obligation without expense to the City. For this purpose, elimination of grade crossings is a public work and improvement. No duty, express or implied, of the holder of a franchise, contract or permit shall be impaired by amendments to this Chapter subsequent to the grant of franchise, contract or permit.

Section 9-311. Construction of Article. The provisions of this Article relating to change of grade affect other provisions relating to change of grade in this Chapter. The provisions of this Article shall be construed as an additional procedure which the Council may follow in eliminating railroad grade crossings.

Section 9-312. Elimination of Several Crossings in One Proceeding.

The [Council](#) may provide in one proceeding under this Article for the elimination of the grade crossings of two (2) or more streets by any railroad or railroads in a district.

ARTICLE 4. STREETS AND STREET IMPROVEMENTS.

Section 9-401. Definition of "Improve" and "Improvement." As used in this Article, the terms "improve" and "improvement" include all construction, reconstruction, grading, regrading, paving, repaving, surfacing, resurfacing, bettering and repairing roadways, bridges, trestles, means of access and egress, underpasses, overpasses, sidewalks, crosswalks, pedestrian ways, gutters, curbs, street drainage facilities and appurtenances therefor within any street.

Section 9-402. Improvement Procedure. The [Council](#) hereby is authorized: to order from time to time all or part of the streets of the City to be improved; to determine the character, kind and extent of each improvement; to levy and collect an assessment upon all lots and parcels of land specially benefitted by the improvement to defray the whole or any portion of the cost; and to determine what lands are specially benefitted by the improvement and the amount to which each parcel or tract of land is benefitted. The procedural steps for an improvement shall be prescribed by ordinance.

Section 9-403. Remonstrances. Street improvement procedures established by ordinance shall provide for mailed notice to the property owners within the proposed district of the [Council's](#) intention to improve any street, and an opportunity for the owners of the property within the proposed assessment district to make and file written objections or remonstrances against the proposed improvement. The period for filing of written objections or remonstrances shall be set by ordinance but shall not exceed sixty days from the date notice is mailed. If the owners of three-fifths or more in area of the property file objections, further proceedings in the making of such improvement are barred for a period of six (6) months unless the owners of one-half or more of the property affected subsequently petition therefor. If an objection, remonstrance or petition is signed by the agent or attorney of any property owner, the agent or attorney's authority to sign shall be filed with the Auditor within the time provided for the remonstrance or petition or the signature shall be disregarded. If objections or

remonstrances legally signed by the owners of three-fifths of the property affected are not filed, the ~~Council~~City may order the improvement.

Section 9-404. Use of Earth. When the ~~Council by ordinance~~City provides for making an improvement, the City may, at its option, remove, alter, dispose of or otherwise use all earth within the street lines for that improvement.

Section 9-405. Completion of Work; Spread of Assessments. When a street improvement is wholly or partially completed to the satisfaction of the City Engineer, the completed work may be accepted and property within the district assessed for the cost under procedures established by ordinance, with opportunity for objections to be heard.

Section 9-406. Improvement by Permit. Whenever the grade of any street has been established, the ~~Council~~City may authorize any person to cut or fill the street in front of such property according to such grade, or to improve the same, or both, as the City Engineer may direct, at the expense of that person. This authority shall not be granted after notice has been given of the ~~Council's~~City's intention to improve the street so long as the ~~Council~~City retains jurisdiction for the proposed improvement. In giving this authority, the ~~Council~~City may impose such terms and conditions as it may find appropriate.

Section 9-407. Sidewalk Improvements and Repairs; Duty of Owners. Sidewalks may be improved either as a part of a general street improvement or by separate proceedings. The ~~Council~~City may determine the grade and width of all sidewalks, materials to be used and specifications for construction. It is the duty of all owners of land abutting any street in the City to construct, reconstruct and maintain in good repair the adjoining sidewalks. If the owner of any parcel of land allows an adjoining sidewalk to be out of repair, the City Engineer shall post notice on the property directing the owner, agent or occupant thereof immediately to repair it in accordance with City specifications. If the owner, agent or occupant of any parcel of land does not properly make the sidewalk repairs within the time designated in the notice, the City Engineer may make the repairs, keeping an account of the cost and reporting it to the Council with description of the parcel of land abutting the repaired sidewalk. The Council has the same general authority and supervision over sidewalk repairs as over street improvements. If the Council finds the costs reported by the City Engineer to be reasonable, it shall approve them and thereafter, at least once a year, by ordinance assess upon each of the parcels of land abutting repaired sidewalks, the cost of making the repairs with an additional overhead charge to defray the cost of notice, engineering and advertising. All such assessments may be combined in one assessment roll and they shall be entered in the docket of City liens and collected in the same manner as are other local improvement assessments.

Section 9-408. Damages for Negligence. Owners of land within the City are liable for all damages resulting from their failure to put an adjoining sidewalk in repair after notice to repair as provided in this Article. No action shall be maintained against the City by or for any person injured because of any sidewalk defect.

ARTICLE 5. SEWER IMPROVEMENTS.

Section 9-501. Assessment District; Remonstrances. When the CouncilCity has declared its intention to construct a sewer or sewer system and has fixed the boundaries of the assessment district to be benefitted and assessed therefor, the Auditor shall mail notice of such intention to the property owners within the proposed district, in accordance with procedures prescribed by ordinance. The procedures shall provide that an owner of any property within the proposed assessment district or such owner's agent who files proof of his or her authority, may file with the Auditor a written remonstrance against the proposed sewer or the plans therefor, and the Council, upon hearing the remonstrance, may discontinue proceedings in the matter. The period for filing of written objections or remonstrances shall be set by ordinance but shall not exceed sixty days from the date notice is mailed. The Council, however, may overrule any and all remonstrances and may order the improvement. The Council also may require changes in the proposed plans or changes in the boundaries of the proposed assessment district, and declare by resolution its intention to proceed on the revised basis. Such resolution shall be published and remonstrance period given as in the first instance. The improvement shall conform substantially to the plans and specifications adopted by the Council.

Section 9-502. Joint Construction with County. The CouncilCity may take action and proceedings for the construction of any sewer or drain jointly with any County; may levy and collect special assessments of benefits therefor; may enter into an agreement or agreements with any county for the construction, maintenance and use of sewers or drains and paying the cost thereof; may issue bonds to finance that portion of the cost agreed to be chargeable to property outside of the City; may do all other things necessary or proper to provide for the construction of sewers or drains when the design, plan or method of construction will render them beneficial to property both within and without the limits of the City; and may perform all acts necessary to implement statutes relating thereto.

Section 9-503. Issuance and Sale of Bonds. Bonds may be issued and sold after construction of any such sewer or drain has been authorized, and each bond issue shall be limited to an amount that does not exceed the portion of the cost of such sewer or drain agreed upon with the County as the amount justly and equitably to be borne by property lying beyond the City limits. Such bonds shall not be issued for longer than twenty (20) years, and may be general obligations of the City. No bonds shall be issued when the total of such bonds then outstanding would exceed five hundred thousand dollars (\$500,000). In lieu of issuing bonds, the CouncilCity may provide for financing part or all of the cost agreed upon as chargeable to property outside of the City from City funds. The CouncilCity has authority to levy and collect an assessment against the property benefitted by any sewer or drain lying beyond the City limits whenever that property is included within the City limits, if no previous assessments therefor have been made on the property, and to apply the money so collected toward payment of such bonds, or to reimburse the City for any payment, expenditure or advancement for

such sewer or drain. Any agreement with the County may provide for the levy and collection by the County of an assessment against property whenever the sewer or drain may immediately benefit the property because of construction of an extension, lateral, branch, or otherwise.

ARTICLE 6. OTHER IMPROVEMENTS.

Section 9-601. Fire Stops. As used in this Article, "fire stop" includes any fireproof wall or other device to prevent the spread of fire. The [Council-City](#) has authority by agreement or by condemnation to acquire property, easements and rights needed for the construction of fire stops; to perform the work of erecting fire stops either by direct employment of labor or by awarding contracts; and to provide for the payment of the costs thereof by the levy and collection of local assessments according to benefits for the improvement. Before fire stops are constructed an estimate shall be made of the probable cost and of the probable saving in fire risks and insurance expenses. Where a fire stop is to be constructed at the expense of property benefitted and assessed therefor, the [Council-City](#) shall take proceedings similar to those required for constructing sewers. The method of making and collecting assessments shall be the same as for other local improvements. The cost of acquiring property, easements or rights shall be included in the cost of the fire stop.

Section 9-602. Lighting Districts. Whenever the owners of fifty percent or more in area of the property within any district make and file with the Auditor a petition to establish a special street lighting system within that district, the [Council-City](#) has authority to install, operate and maintain such a system as a local improvement and to furnish electrical current therefor. The improvement may include initial installation, continuance or change of an existing installation, substitution of different materials or special styles or locations of lights or related facilities within the district, replacements, or any combination of those items. The [Council-City](#) may award contracts for all or a portion of the work, maintenance or electrical energy. The Council may levy and collect local assessments on property benefitted thereby for all or a portion of the cost. The Council may authorize contribution from City funds to the cost of energy, operation and maintenance in the amount it finds an appropriate allowance for regular street lights rendered unnecessary by the special lighting system. Whenever all or part of the cost of a system is to be assessed to property benefitted, the Council shall take proceedings similar to those required for street improvement districts.

Section 9-603. Other Local Improvements. When the Council determines that a local improvement as defined by this Charter or by ordinance affords a special and peculiar benefit to property within a particular district different in kind or degree from that afforded to the general public, the Council may classify it as a local improvement and provide for the payment of all or a portion of the cost thereof by levy and collection of local assessments on the property benefitted. The procedure for street improvements shall be followed. Jurisdiction of the Council shall depend upon the extent and strength of remonstrance; provided, however, if the Council determines that the public health or public safety demands immediate construction, the Council may overrule any and all

remonstrances and shall proceed as provided for sewer improvements. The Council may combine in one proceeding a street improvement, sewer improvement, street lighting improvement, and any other improvement allowed by this Charter.

ARTICLE 7. ASSESSMENTS AND COLLECTIONS.

Section 9-701. Assessment District. If the Council finds that a particular lot, tract, or parcel of land within the boundaries of a local improvement assessment district does not in fact receive any special and peculiar benefit from that improvement, it may exclude that property or show the assessment at zero (0) when apportioning costs of the local improvement in accordance with benefits and spreading the assessment.

Section 9-702. Procedures for Assessments; Assessments Confirmed. The Council shall establish procedures by ordinance for the estimated assessment, assessment, and reassessment of benefitted properties. An assessment shall not exceed the apportioned share of actual costs nor exceed the amount of the benefits. Each parcel of land shall be considered benefitted by the local improvement to the full amount of the assessment levied on it. Delays, mistakes, errors or irregularities in any act or proceeding in an improvement, in notices, in entry of assessment or in any related matter shall not prejudice or invalidate any final assessment, but the defect may be corrected by subsequent action.

Section 9-703. Assessment Lien; Payment. The docket of City liens is a public writing, and from the date of entry of any assessment, the sum entered is a lien upon the land against which it is entered. Assessment liens shall have priority over all other liens and encumbrances. The sum assessed for a local improvement shall be due and payable from the date of entry upon the lien docket, and if not paid or bonded as provided by law within thirty (30) days from that date, the amount of assessment then shall be delinquent and shall bear interest at the rate fixed by ordinance from the date of assessment.

Section 9-704. Delinquency and Sale for Unpaid Assessments. The Treasurer shall proceed to collect the unpaid assessments by advertising and selling the assessed land in the manner provided by State law or City ordinance. Rates of penalty and interest shall be determined by ordinance. The sale price shall include all assessment principal and interest due, penalties and charges due, and all costs associated with the sale of the property.

Whenever the market valuation for tax purposes of land assessed and subject to sale for collection of unpaid assessment exceeds the sum payable to the City of the unpaid assessment, interest and estimated costs plus the total of any past due taxes by twenty-five percent or more of the City and tax liens, the Treasurer may, subject to general guidelines of the ~~Commissioner In Charge and/or the Council,~~ Mayor withhold or withdraw such property from public sale and in lieu thereof may sell the property by private sale to the City upon payment by the City from the Assessment Collection Fund, elsewhere provided in this Charter, of the unpaid assessment, interest and costs. If

land is not valued for tax purposes, the market value estimated by the City shall be considered the market valuation for tax purposes under this Section.

The Treasurer shall report to the Council the sales and collections on delinquencies and the designated City official ~~designated by ordinance~~ shall make proper entries in the lien docket. Thereafter no transfer or assignment of any certificate of sale hereunder shall be valid unless entry of that transfer or assignment has been noted in the lien docket after appropriate filing with the City. In case any property remains unsold, that property again may be offered for sale in like manner.

Section 9-705. Redemption. The City ordinance authorizing sale of property for delinquent assessments and the notice of sale to persons with an interest in the property stating that the property has been sold shall clearly state the provisions for redemption of the property by the prior owner as provided by State law or City ordinance.

ARTICLE 8. FINANCING LOCAL IMPROVEMENTS; BONDING.

Section 9-801. Applications for Bonding. Within thirty (30) days after notice of an assessment, deficit assessment or reassessment for a local improvement is first mailed, if the assessment exceeds a minimum fixed by the Council, the owner of the property assessed may file a written application to pay the assessment in installments. The application shall provide that the owner agrees to pay the assessment in installments including interest and charges as specified by the Council. The application also shall describe the applicant's property assessed for the improvement.

Section 9-802. Final Assessment Bond Lien Docket. After the time expires for filing applications to pay assessments in installments, the designated City official ~~designated by ordinance~~ shall enter all applications received in a docket kept for that purpose under separate heading for each improvement. Thereafter, that docket shall stand as a bond lien docket in favor of the City for the amount of the unpaid assessments docketed therein, with interest on unpaid assessments at a rate determined by ordinance, against each parcel of land assessed, until the assessments and interest are paid. All unpaid assessments and interest are a lien upon each parcel of land in favor of the City, and that lien shall have priority over all other liens and encumbrances.

Section 9-803. Improvement Bonds. After the bond lien docket is made up for the particular local improvement, the ~~Council~~City shall authorize by ordinance the issuance of bonds not exceeding the actual costs of the unpaid improvement assessments as shown on the bond lien docket.

Section 9-804. Installment Payments; Delinquency and Collections. Bonded assessments shall be paid in installments, plus accrued interest, penalties, and charges, as specified by ordinance. If payment of any installment is delinquent thirty (30) days, the entire unpaid balance is immediately due and payable, and the installment contract may be declared void. The property owner may execute a new

agreement as provided by City Code, or the City may collect the total amount due in the manner as provided by ordinance. Prior to sale of the property for collection, the owner may remove the property from the sale list in the manner provided by Code.

Section 9-805. Sinking Funds; Investment; Bond Reissuance and Rebonding.

After issuance of improvement bonds covering unpaid bonded assessment for a particular improvement, the City official designated by ordinance shall keep an account of money paid upon bonded improvement assessments separate from other City funds, as provided by ordinance.

Whenever improvement bonds issued upon bonded assessments are redeemable and it appears to the ~~Council~~City advantageous to redeem them, but money available in the sinking fund account is insufficient, the ~~Council~~City may transfer money from another sinking fund or sinking fund account as a temporary loan to the sinking fund account to be redeemed, to be repaid with interest at the rate fixed by the Council. The Council may authorize and provide for issuance and sale of new bonds upon bonded assessments to redeem outstanding bonds. Such new bonds shall be limited in amount to the amount of bonds to be redeemed from the proceeds, shall bear interest, be sold and be redeemable as provided in this Charter. In case of a temporary loan, if property owners fail to pay into the sinking fund a sufficient amount to repay the temporary loan, when needed, the Council shall provide money for repayment by the sale of bonds as provided in this Section.

Section 9-806. Assessment-Collection Bonds; Assessment Collection Fund.

To facilitate collection of delinquent assessments and to assist in financing local improvements, the ~~Council~~City may issue and dispose of bonds to be known as Assessment-Collection Bonds. The total amount of these bonds shall not exceed one million five hundred thousand dollars (\$1,500,000) outstanding at any one time. The bonds shall be general obligations of the City and shall be issued and sold in any denominations in the same manner as other bonds of the City. The rate of interest thereon shall not exceed the maximum rate permitted under State law, and their maturity shall not exceed twenty (20) years.

Money from the sale of the bonds, after paying from the proceeds the costs of advertising and sale, shall be deposited in a special fund known as the "Assessment Collection Fund," which may be used ~~under Council direction~~ for purchasing property by and in the name of the City at Treasurer's sale or other sale for City assessments, and at foreclosure sales for delinquent taxes, to protect the interest and rights of the City in the property. Net proceeds from the sale of property purchased from the Assessment Collection Fund shall be credited to that fund.

In selling property purchased from the Assessment Collection Fund, or Treasurer's certificates thereon, no transfer of certificate of sale or deed to the City shall be held void or insufficient because of any omission, error, defect or objection, jurisdictional or otherwise, in the assessment or other proceedings if, at some stage of the proceedings before assessment was made, notice was given, and if the description of the property in the certificate or deed is reasonably sufficient to identify it. This provision is intended to be curative as fully as the people may enact, as to all matters affecting the validity of the certificate or deed. Every certificate of sale or deed shall be presumptive evidence of

the regularity and sufficiency of all things affecting its validity. In any case where this curative provision is found insufficient, the money realized from the attempted sale shall be treated as not applying to the payment of the attempted assessment, and shall not discharge any obligation of the owner of the property to bear a fair and just proportion of the cost of the local improvement for which the attempted assessment was made.

Proceeds from the attempted sale shall be refunded to the Assessment Collection Fund and the Council may make a reassessment against that property.

The ~~Council~~City may renew the Assessment Collection Fund from time to time by selling additional bonds, subject to the limitation in this Article on total amount.

The ~~Council~~City may provide for the sale and assignment of certificates of sale and the assignment or conveyance of the rights of the City in such property either before or after receiving the deed from the City Treasurer or from County officials; may provide for sale of the property under contract for not more than ten (10) years; may pay real estate commissions, court costs, legal and clerical services and all other expenses related to the purchase and clearance of title; may purchase or redeem any Treasurer's certificates of sale outstanding against the property; may pay any tax liens outstanding against the property; may transfer money from the Assessment Collection Fund to the General Fund, provided that provision is made for redemption of outstanding Assessment-Collection Bonds; may provide for waiving all or part of accrued penalties; may pay any bonded or open liens outstanding against the property and cancel assessments against it; and the Council may enact ordinances to give full effect to this Section.

The Assessment Collection Fund may also be used to purchase and hold warrants issued upon any special local improvement fund formed or to be formed. The face amount and interest on warrants so purchased shall be credited, upon payment, to the Assessment Collection Fund.

CHARTER OF THE CITY OF PORTLAND, OREGON

CHAPTER 10

PUBLIC UTILITIES AND FRANCHISES

ARTICLE 1. PUBLIC UTILITIES.

Section 10-101. Definition, "Public Utility." The term "public utility" as used in this Charter shall be deemed to include every plant, property or system engaged in the public service within the City or operated as a public utility as such terms are commonly understood.

Section 10-102. General Provisions. The City of Portland shall have the power to construct, condemn, purchase, add to, acquire, maintain, operate and own all or any part of any public utility or any plant or enterprise, for the purpose of serving the City and the people thereof for uses public and private. Such power may be exercised in any lawful manner and shall include the power to purchase, condemn or otherwise acquire any franchise heretofore granted to operate a public utility.

Section 10-103. Power of Construction and Acquisition. The City shall have the power to construct and acquire in any legal way and to maintain and operate works, plants and facilities for the purpose of doing any and all municipal work by direct employment of labor under the supervision of the City, and may use such works, plants and facilities, and the product thereof, for the purpose of doing municipal work of all kinds, and shall have the power to sell such product for use in the construction of municipal improvements of all kinds. It shall have power to provide payment for the whole or any part of local improvements constructed or done by the City directly under the provisions of this Section by assessment against the property benefited thereby. Funds for the carrying out of this Section may be provided by issuing bonds as provided in Section 7-201 of this Charter or by the use of any moneys in the General Fund at the end of the fiscal year.

Section 10-104. Debt Limitation. No indebtedness shall be incurred for the acquisition of any public utility under the provisions of this Charter, which, together with the existing bonded indebtedness of the City, shall exceed at any one time seven percent of the assessed value of all real and personal property in the City, but in estimating such bonded indebtedness, all bonds given for the acquisition or construction of public properties and utilities the interest on which bonds is paid out of the earnings of said public utilities or properties, shall be excluded; provided, that whenever and for so long as such utility or undertaking fails to produce a sufficient revenue to pay all costs of operation and administration (including interest on the City bonds issued therefor and the cost of insurance against loss by fire, accidents, and injuries to persons), and an annual amount sufficient to pay at or before maturity all bonds issued on account of said undertaking, all such bonds outstanding shall be included in determining the limitation of the City's power to incur indebtedness, unless the principal

and interest thereof be payable exclusively from the receipts of such undertaking. The City officer responsible for accounting shall annually report to the Council, in detail, the amount of revenue from each such undertaking, and whether there is any, and if so, what, deficit in meeting the requirements above set forth.

Section 10-105. Supervision and Regulation. The [CouncilCity](#) shall have general supervision and power of regulation of all public utilities within the City of Portland, and of all persons and corporations engaged in the operation thereof.

Section 10-106. Investigations and Rate Fixing. The Council shall have the power to investigate from time to time, and whenever they shall deem that the public service, health or welfare require it, the affairs, business and property of any public utility within the City. For that purpose they shall have the right to compel the attendance of witnesses and the production of books, papers and records, and of entry in person or by authorized agent upon any premises or places of any person or corporation engaged in the operation of a public utility. They shall have the power to control, regulate and order such changes, improvements, extensions, additional facilities, appliances or equipment in or upon the plant and property of any person or corporation operating public utilities within the City as may be deemed necessary to promote the public interest, convenience or safety, and to protect its employees in the construction, maintenance or operation of any such public utilities.

Every charge, rate, fare or compensation made, charged or demanded by any person or corporation engaged in the operation of a public utility within the City of Portland for any service rendered or to be rendered shall be just, fair and reasonable. The Council shall have the power to hear and determine what are just, fair and reasonable rates, fares and charges and to fix and limit such rates, fares and charges and for that purpose may make valuations of the property of any person or corporation engaged in the operation of a public utility within the City. To that end they shall make and enforce regulations providing that at the time of construction or acquisition of any plant or property rendering a public service and of any improvement or additions thereto the person or corporation having charge thereof shall record with the City Officer responsible for accounting a description of all property which such person or corporation shall intend to present for such valuation and all later improvements when made, together with full information as to the cost thereof and vouchers supporting the same, to the end that a complete record of all property to be valued under this Section shall be at all times available.

Section 10-107. Quarterly Reports. Every person or corporation operating a public utility within the City rendering service to be paid for wholly or in part by the users of such service shall keep full and correct books and accounts and make stated quarterly reports in writing to the [CouncilCity](#), verified by such person or an officer of the corporation, which shall contain an accurate statement in summarized form as well as in detail of all receipts from all sources and all expenditures for all purposes together with a full statement of all assets and debts including stock and bond issues as well as such other information as to the cost and profits of said service, and the financial condition of such grantee as the [CouncilCity](#) may require. Such reports shall be public and a summary thereof shall be printed as a part of the City's annual financial report, and the

CouncilCity may inspect or examine, or cause to be inspected or examined, at all reasonable hours, any and all books of account and vouchers of such grantee. Such books of account shall be kept and reports made in accordance with forms and methods prescribed by the **CouncilCity** and so far as practicable shall be uniform for all grantees and holders of franchises, and shall, except for important and necessary changes, conform to such reports as are required by state or federal public utility commissions.

Section 10-108. Orders, Rules, and Regulations. The **CouncilCity** shall have power to make all orders, rules and regulations necessary or appropriate to carry into effect the powers granted and to make the same effective by penalties and forfeitures, and upon failure by any franchise holder to comply with any of the requirements of Section 10-107, 10-216, 10-213 or 10-214 of this Charter for a period of thirty (30) days after notice, the Council shall have power to declare by ordinance a forfeiture of the franchise under which any person or corporation so failing to comply is operating a public utility within the City of Portland.

Every such order, rule or regulation of the **CouncilCity** shall take effect at a time to be therein specified, and shall continue in force until modified or abrogated by the **CouncilCity** or modified, suspended or set aside by the decree or judgment of a court of competent jurisdiction.

Whenever any person or corporation against whom any rule, order or regulation is directed, as provided by the foregoing subdivision shall believe an order to be unjust or unreasonable, such person or corporation may test its justice or reasonableness by a proper action in the courts commenced within thirty (30) days after service of any such order, rule or regulation, and in such action such further order may be entered in the premises as shall be warranted by the facts developed upon the trial and the law applicable thereto.

Section 10-109. Bridges and Ferries. All ferries now or hereafter owned or leased, and all bridges together with approaches and terminals, heretofore erected or leased, or hereafter to be erected or leased, by the City of Portland across the Willamette River shall be operated by the county of Multnomah, as now provided by law, or as may hereafter be provided by law at the expense of said county of Multnomah. No exclusive franchise or privilege shall be granted to any person, firm or corporation, for the use of the whole or any part of such bridges, approaches or terminals. All privileges or franchises that may be granted by the City of Portland for the use of the whole or any part of such bridges, approaches or terminals shall be for a term not exceeding twenty-five (25) years, and the compensation to be paid the City by any person, firm or corporation desiring to use such bridges for the operation of cars thereover, shall be not less than three cents (\$.03) per car for each and every car that crosses such bridges in each direction. Said rental shall be paid at the end of each calendar month to the City Treasurer. The **CouncilCity** shall specifically reserve in any franchise granted over any of said bridges the right to reasonably regulate the number and routing of cars across any such bridges.

ARTICLE 2. FRANCHISES.

Section 10-201. Control by Charter Provisions. Every franchise hereafter granted shall be expressly subject to all the provisions of the foregoing sections and the power of control and regulation as authorized by such sections cannot be limited, divested or granted away. ~~Subject to the initiative and referendum such power of control and regulation shall be exercised by the Council and may be exercised by the Council through its agents.~~

Section 10-202. Property Nature of Franchises. Every franchise granted under this Charter shall be taken and deemed as property and shall be subject to taxation as property.

Section 10-203. Authorization of Industrial Tracks. The ~~Council~~City shall have power on application or assent in writing of the owners of a majority part in extent of the lots or tracts of land fronting on each side of that portion of any street or part of a street on which it is desired to construct railroad tracks for spurs, sidings or switches, other than those for street railways, to grant revocable permits for the use of streets for that purpose, subject to sections 10-108 and 10-206 of this Charter.

Section 10-204. Agreements with Railroads. The ~~Council~~City shall have power and authority ~~by ordinance duly passed~~ to agree with any corporation, firm or person constructing a commercial railroad and desiring to enter the City, upon the extent, terms and conditions upon which the streets, alleys, or public grounds of the City may be appropriated, used or occupied by such railroad and upon the manner, terms and conditions under which the cars and locomotives of such railroad may be run over and upon such streets, alleys and public grounds; such agreement shall be subject to the provisions and requirements of sections 10-101 to 10-103, 10-105 to 10-108, 10-201 to 10-209, 10-212 and (e) and (f) of Section 10-210 of this Charter. No exclusive right for the aforesaid purposes shall be granted to any corporation, firm or person and the use of all such rights shall at all times be subject to regulation by the ~~Council~~City.

In addition to the other requirements of this Charter every ~~ordinance granting~~grant of such right shall be upon the condition that such grantee shall allow any other railroad company to use in common with it the same track or tracks throughout their entire length between the extreme limits for which the franchise is granted including any private rights of way which may intervene upon obtaining the consent of the ~~Council~~ ~~expressed by ordinance~~City prescribing the regulations for such use, and the compensation therefor, each paying an equitable and proper proportion of the construction, maintenance and repair of the tracks and appurtenances and any private right of way used by such railroad companies jointly, such proportion to be fixed by the ~~Council~~ City.

Section 10-205. Limited Time. Franchises may be granted for a limited time in and upon the streets, highways and public places and property of the City of Portland, in the manner and subject to the conditions hereinafter contained.

Section 10-206. Nonexclusiveness. No exclusive franchise shall be granted nor shall any franchise, lease or rights be granted for a longer period than twenty-five (25) years.

Section 10-207. Method of Granting. Every franchise shall be embodied in an ordinance, which shall contain all the terms and conditions of the proposed grant, and shall be filed with the Auditor. Thereupon such proposed ordinance shall be published in full, once in the City official newspaper. There shall also be published, in a conspicuous place in such daily newspaper of the City having a circulation in excess of fifteen thousand (15,000), as the Council may direct, a notice prepared by the Auditor, that an application has been made for a franchise, giving the name of the applicant, the character and location of the proposed grant, and requesting any person having any objections to such proposed franchise or any provisions thereof to file the same in writing with the Auditor within twenty (20) days from the first publication of such notice. If the request is made therefor, the Council shall fix a time for a hearing upon such objections and give reasonable notice of the time thereof and not less than five (5) days. All of such publications and notices shall be at the expense of the applicants for such franchises.

Such ordinances shall not come up for first reading until after the expiration of the said twenty (20) days.

If such ordinance shall be amended, it shall be republished in the City official newspaper in full as amended.

No such ordinance granting a franchise shall be put on final passage within thirty (30) days after the first reading nor within twenty (20) days after any amendment thereto, and the affirmative vote of four (4) ~~Commissioners~~Council members shall be required to pass the same.

Section 10-208. Effective Date. No franchise shall take effect until sixty (60) days after its passage unless it shall receive a majority of the votes cast thereon at a referendum election held for that purpose within a less time. The filing of a petition for referendum shall defer the taking effect of a franchise until after the election. A petition signed by two thousand (2,000) registered voters shall be sufficient to call a referendum upon any franchise ordinance.

Section 10-209. Specific Conditions. Every franchise granted by the City of Portland shall contain full and explicit statements of its conditions in the following particulars:

- (a) In case of railroads and street railways it shall specify plainly the streets or other public places or parts thereof to which they apply. Any other franchises shall state the boundary of the district or districts within which they shall be exercised.
- (b) The amount and manner of payment of the compensation to be paid by the grantee for the right. The Council shall make an estimate of the cash value of any franchise upon the filing of the application, or an estimate for what it may consider fair compensation to the City for such franchise, and the same shall be entered upon the minutes of the proceedings of the Council and published with the published copy of the franchise. In lieu of

a money valuation the Council may at its option declare what will be a reasonable reduction of fares, rates or charges, either at the beginning or progressively from time to time, to be made by the grantee in compensation for the grant.

- (c) The time of beginning the construction or other work thereunder, the estimated total cost of such work, the monthly or yearly sums of money to be expended thereon, and in case of franchises to transportation companies or other franchises covering certain streets or portion of streets, the time within which the work under such franchise shall be completed upon such streets or portions of streets, respectively.
- (d) Every grant of a franchise which provides for or permits the changing of rates, fares or charges shall contain a provision fixing the maximum that the holder can collect for services rendered by virtue of said franchise and the operation of the plant or property thereunder; subject, however, to the power of regulation prescribed in Section 10-108 of this Charter.

Rates, however, shall always be uniform to all persons of like classes, under similar circumstances and conditions.

Section 10-210. Conditions and Restrictions. Every franchise granted by the City shall be subject to the conditions and restrictions hereinafter provided, to wit:

- (a) That the City may in lawful manner and upon the payment of a fair valuation lawfully ascertained, purchase, condemn, acquire, take over and hold the property and plant of the grantee in whole or in part; if such purchase or taking over be at the expiration of the term of the franchise such valuation shall not include any sum for the value of the franchise or grant under which such plant and property is being operated.
- (b) That upon payment by the City of Portland of a fair valuation, as above stated, the plant and property so acquired shall become the property of the City without formal execution of any instrument of conveyance; provided, however, the City may at its option compel the execution to it of an instrument of transfer and conveyance.
- (c) That upon the acquisition of any such plant or property the right of the holder of any such franchise pursuant to which such plant or property was operated shall cease and determine, and the acquisition by the City of any such property or plant shall operate to divest the holder of any such franchise of all right, title and interest therein.
- (d) No franchise shall be granted without fair compensation to the City therefor, either by way of direct payment or by reduction of rates, fares or charges, and in addition to the other forms of compensation to be therein provided, the grantee may be required to pay annually to the City such part of its gross receipts as may be fixed in the grant of said franchise.

This provision shall not exempt the holder of the franchise from any lawful taxation upon its property nor from any license, charge or imposition not levied on account of such use.

- (e) Every franchise and all things constructed thereunder or used in connection therewith, other than rolling stock and power, shall be subject to common use by any person or corporation, including the City, operating a similar public utility whenever it shall be advantageous to the public upon payment or tender of fair compensation for such use. The compensation for the franchise itself shall be payable only to the City and not to the holder of the original franchise.

The Council shall have power to determine what is a fair compensation and to regulate the manner of such use subject to judicial review, but no judicial proceedings shall suspend or postpone such use if the person or corporation desiring such common use shall deposit in the court such sum as the court on a preliminary hearing may determine.

Such compensation shall not include any remuneration for the franchise or rights conferred by the City, except that the new user may be required to pay a ratable part of any tax or public charge imposed upon the original grantee by reason of said franchise, in addition to such other payment to the City as the Council may deem equitable.

- (f) The holder for the time being of any franchise to construct or operate railways in the streets or public places shall keep those portions of streets or other places occupied by such holder in good order, as required by the ~~Council~~City, and shall pave, improve, or repair and maintain from time to time in the manner and within the time directed by the ~~Council~~City, that portion of the street occupied by it lying between the rails of any track and extending one foot outside of such rail and portion of the streets lying between the tracks.

In addition any franchise granted to any street or other railroad, for the operation thereof, may provide that the holder thereof for the time being shall pave, repave and keep in repair at the time and in the manner required by the ~~Council~~City any street or part thereof used pursuant to such franchise for the whole or any part of the entire width of the street.

Failure or neglect upon the part of any holder of a franchise to do the work in the manner and within the time required by the ~~Council~~City, shall constitute an offense punishable by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for each and every day such refusal or neglect shall continue.

Section 10-211. Additional Conditions. The enumeration and specification of particular matters which must be included in every franchise granted shall not be

construed to impair the right of the City to insert in such franchise such other and further conditions and restrictions as the Council may deem proper for the public welfare.

Section 10-212. Written Acceptance. Every grantee of any franchise, right or privilege shall within thirty (30) days after the ordinance granting the same shall be enforced, file with the City Recorder a written acceptance of the same, and a failure on the part of the grantee to file such written acceptance within the time specified shall be deemed an abandonment and rejection of the rights and privileges conferred, and the ordinance granting the same shall thereupon be null and void; such acceptance shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained in the ordinance granting the same.

Section 10-213. Statements. Within ninety (90) days after this Charter shall take effect, the holder of any franchise shall file with the Auditor a full and correct statement of the franchise, rights and privileges owned or claimed to be owned, and shall designate the same by the numbers and titles of the ordinances by which such franchises were granted, and any holder of any franchise, on failure so to do, shall be guilty of an offense punishable by a fine of not less than ten dollars (\$10) and not more than one hundred dollars (\$100) per day while such refusal or neglect continue. The holder of every franchise, and the grantees of every franchise hereafter granted, on sale, transfer, mortgage or lease being made of such franchise, shall within sixty (60) days thereafter file with the Auditor a copy of the deed, agreement, mortgage, lease, or other written instrument evidencing such sale, transfer or lease, certified and sworn to as correct by the grantee, in person, if an individual, or by the president or secretary or authorized agent, if a corporation.

Every sale, transfer, mortgage or lease of such franchise, whether voluntary or involuntary, shall be deemed void and of no effect unless the grantee shall, within sixty (60) days after the same shall have been made, file such certified copy as required by this Section and consented to as provided in Section 10-216 of this Charter, also unless the Council agrees to such sale by an ordinance expressly passed for that purpose, as provided by Section 10-216.

The Auditor shall file all such documents and shall make and keep an index of the same in a book to be kept by the Auditor for that purpose, which book shall be a part of the public records of the City.

Section 10-214. Records. The City officer responsible for accounting shall keep a separate record for each grantee of a franchise from the City rendering service to be paid for wholly or in part by users of such service, which record shall show in the case of each such grantee:

1. The true and entire cost of construction, of equipment, of maintenance and of the administration and operation thereof; the amount of stock issued, if any; the amount of cash paid in, the number and par value of shares, the amount and character of indebtedness, if any; the rate of taxes, the dividends declared; the character and amount of all fixed

charges; the allowance, if any, for interest, for wear and tear or depreciation; all amounts and sources of income.

2. The amount collected annually from the City treasury and the character and extent of the service rendered therefor to the City.
3. The amount collected annually from other users of the service and the character and extent of the service rendered therefor to them. Such books of record shall be open to public examination at any time during City business hours. Such information, in addition to any further data which may be required by the City, under this Charter, shall be furnished by the grantees or holders of such franchises upon request, and at such grantee's own cost and expense.
4. In case any grantee or holder of a franchise fails or refuses to furnish such information when requested so to do on petition being presented on behalf of the City to the circuit court, such court shall have jurisdiction to compel such grantee or owner to furnish such information and tax the costs of such application against the defendant in such proceedings and in addition may impose a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) for every such offense. All fines collected under this Section shall be paid into the General Fund. The procedure on such application shall be as far as possible analogous to that on mandamus.

Section 10-215. Nonabandonment. No abandonment, nonuser or failure to comply with the terms of the franchise shall release the holder from any of the obligations thereof without the consent of the City expressed by ordinance which shall be subject to the referendum. Notwithstanding such abandonment the provisions of the franchise may be enforced, but upon abandonment, nonuser, or failure to comply with any of the terms of the franchises, the City may by ordinance declare a forfeiture, whereupon all rights of the holders of the franchise shall immediately be divested without a further act upon the part of the City, and in case of a franchise for occupancy of streets, the holder shall be required notwithstanding such forfeiture, to remove its structures or property from the streets and restore the streets to such condition as the ~~Council~~[City](#) may require or as may be stipulated in the grant; and upon failure to do so the City may perform the work and collect the cost thereof from the holder of the franchise. The cost thereof shall be a lien upon all the plant and property of the holder of the franchise, prior to any other lien except that of City assessments or general tax, and the City may collect the same as a City assessment or in any other lawful manner.

Section 10-216. Assignments. No franchise shall be sublet or assigned, nor shall any of the rights or privileges thereby granted or authorized be leased, assigned, sold or transferred without the consent of the City expressed by ordinance which shall be subject as other ordinances to the referendum.

Section 10-217. Forfeiture. All franchises or privileges heretofore granted by the City which are not in actual use or enjoyment or which the grantee thereof has not in good faith commenced to exercise within the time required by the terms thereof are hereby declared forfeited and of no validity. This Charter shall in no wise validate any contract, privilege or franchise not heretofore a legal and valid obligation of the City.

Section 10-218. Common Transportation Terminal. It shall be the policy of the City of Portland to create a common transportation terminal, both land and water, embracing both sides of the harbor for its full extent in the City, which shall be subject to entry and use throughout its full extent by all common carriers on equal terms, as far as the property, rights and jurisdictions of the City may apply to secure same; and all such property, rights and jurisdictions of the City within one thousand (1,000) feet of meander line specified in Section 1-104 of this Charter shall be subject to use and demands for such common terminal purposes and needed connecting roadways, tracks and appurtenant facilities; provided that the public docks may be furnished with warehouses subject to lease.

All proposed franchises, grants, privileges, and public improvements and other improvements as far as the jurisdiction of the City may extend, affecting such territory must be considered in relation to said common terminal and adapted thereto in a systematic way, and shall to that end be submitted to the City Engineer and the official or officials in charge of the public docks for approval. Without the approval of these, it shall require a four-fifths vote of the Council to pass such measure. If the Council pass such measure without the approval aforesaid, the Mayor shall have the measure placed upon the ballot at the next ensuing regular election for approval or rejection by the people.

No grant or franchise affecting this territory shall confer any superior right that may operate to defeat the purpose of this act to protect the common access on equal terms in said territory and any provision in any grant or franchise contrary to said purpose shall be null and void.

The purpose of this act is to provide connections for and means of interchange of traffic upon the lines or tracks of all common carriers, public or private, with the greatest facility and economy and the least obstruction, inconvenience and cost possible. The City Engineer and the official or officials in charge of the public docks shall at once draw up such plan and elaborate and extend it from time to time to meet the purpose of this act as public needs develop.

In pursuance of the policy established by this amendment, the Mayor shall cause to be made an inventory of all public properties and rights within the one thousand (1,000) foot limit defined herein, and to have said properties defined and recorded, especially between meander and harbor lines, and utilize the same to the fullest possible extent in the development of the terminal plan herein provided for. And where, in such development, the City may lack jurisdiction for control, the Mayor and Council are required to use, under wise discretion, their best efforts to secure the jurisdiction and control necessary.

All acts and parts of acts in conflict with this act are hereby repealed.

CHARTER OF THE CITY OF PORTLAND, OREGON

CHAPTER 11

SPECIAL SERVICES

ARTICLE 1. WATER WORKS

Section 11-101. General Authority. The City may construct, reconstruct, purchase or otherwise acquire, keep, maintain, improve, alter and change water works and all plants and facilities found appropriate ~~by the Council~~ for furnishing water to the City, its property, its inhabitants, and the places and people along or in the vicinity of the pipes, conduits or aqueducts constructed or used for that purpose. The City may acquire by purchase or otherwise, own and possess real and personal property or interests therein, within and without the limits of the City, which the ~~Council~~City finds necessary or convenient. The ~~Council~~City may establish and maintain headworks and supply sources, with all convenient reservoirs, tanks, pumps, supply systems, distribution and related facilities, including land and interests in land, and may acquire other water systems serving property within present or future boundaries of the City. The ~~Council~~City may make all necessary expenditures to carry out these purposes and may enter into contracts for supply of water by the City or supply of water to the City or its inhabitants. Any surplus water may be sold to persons, public or private, outside the City, on terms and conditions the ~~Council~~City finds appropriate.

Section 11-102. Administration. The City may employ personnel, contract for services and perform services under contract or otherwise, found necessary or convenient to carry out the powers granted in this Article. The ~~Council~~City may obtain materials and supplies and do any acts in the operation, maintenance, improvement and extension of City water works which the ~~Council~~City finds necessary or advantageous.

The ~~Council~~City may prescribe regulations relating to water supply, distribution and service, and may impose conditions, and require deposits or cost contributions for water main extensions and water distribution system. The ~~Council~~City may rent or lease equipment or facilities to or from others, and may sell or otherwise dispose of City property, facilities, supplies or equipment, as it finds convenient.

In the Bureau of Water, the Engineer in charge of the engineering staff, the person in charge of the business office, and the head of the Bureau shall not be subject to Civil Service requirements of this Charter.

Section 11-103. Water Bonds. In order to provide funds for construction, reconstruction, replacement, extension, acquisition and maintenance of water plant and property, and the acquisition of water systems, the ~~Council~~City may issue bonds of the City in denominations and for terms the ~~Council~~City determines, in the same manner other bonds of the City are issued. These bonds shall be general obligations of the City, but primarily payable from water revenue. These bonds shall not be included within the debt limit elsewhere prescribed in this Charter. No bonds shall be issued

under this section in any year which, with the net outstanding water bond indebtedness, would exceed the total original cost of existing plant and property of the water works and system.

Section 11-104. Funds. After payment of expenses for issuance of water bonds, the proceeds shall be placed in the Water Construction Fund.

Money from the sale of water and charges related to water works or service shall be placed in the Water Fund. After deducting sinking fund requirements, operating expenses of the water works and plant and the Water Bureau, which may include depreciation on plant and property, and maintenance expense found necessary or appropriate, the Council may transfer any excess in the Water Fund to the Water Construction Fund.

The CouncilCity may make transfers between funds in the Water Bureau, but the funds and accounts of the Water Bureau relating to water plant and works shall be separate from other accounts and funds of the City and treated as a separate municipal operation. The CouncilCity may impose charges it finds equitable upon the operation of the water system for municipal services of other departments, bureaus and officers, and may impose fees of the same character as for public utilities. Otherwise, money in the Water Fund or the Water Construction Fund shall not be transferred to the General Fund of the City, nor to special funds unrelated to the water works, water system and the sinking funds for water bond debt service.

Section 11-105. Rates and Charges. For each fiscal year the CouncilCity shall fix water rates which will provide an estimated income to equal expenses and debt service relating to water bonds. No charge shall be made for water used in extinguishing fires in the City.

The CouncilCity may fix special charges for connections, disconnections, turn-ons, discontinuances of service, all special services or work, and other contingencies, situations or conditions, which it finds advantageous or appropriate from time to time. Charges and bills may be adjusted as found just and equitable.

Section 11-106. Collections. The CouncilCity may make regulations, impose conditions, penalties and forfeitures and institute civil or penal process it finds necessary or appropriate to collect bills for water or charges, and in addition may refuse or discontinue water service to premises for which a bill or charge remains unpaid. Penal enforcement is subject to the penalty limitations fixed in the Charter for ordinance violations.

ARTICLE 2. SPECIAL FACILITIES.

Section 11-201. Municipal Auditorium. The CouncilCity may construct, reconstruct, repair and maintain a building or buildings for use as municipal auditorium and related

facilities. The ~~Council~~City may fix fees and impose charges for the use of auditorium facilities and services, and may waive or reduce the fees and charges to the extent it finds appropriate in the public interest. The ~~Council or the Commissioner In Charge~~City may make rules and regulations for management and control of the auditorium facilities and services. The ~~Council~~City may delegate management and control to any commission established by Charter, notwithstanding stated functions and limitations on that commission, or to any commission established ~~by ordinance~~ for that purpose. Employees and positions connected with the Municipal Auditorium and related facilities are not within the classified Civil Service of the City unless included therein by vote of the people. In case the revenues from the auditorium and any related facilities are insufficient to pay for maintenance and operation, the ~~Council~~City may pay the deficit out of the General Fund. The ~~Council~~City may permit use without charge of any surplus space in a building or facility, for the purposes of a nonprofit organization devoted in whole or in part to the preservation of matters of historical interest, and for use and occupancy by any bureau, department or office of City government.

ARTICLE 3. SEWAGE DISPOSAL OR PURIFICATION.

Section 11-301. Sewage Disposal or Purification System. The ~~Council~~City may construct, reconstruct, enlarge, alter, modify, equip, operate and maintain a sewage disposal or sewage purification system within or without the corporate limits or both, including but not limited to: all methods of storm drainage, intercepting sewers, diversion sewers, relieving or interconnection sewers, sewers to separate storm and sanitary sewage, pump or ejector stations and equipment, and plants for the treatment and disposal of sewage. For that purpose the City may acquire by any lawful means property, real or personal, interests in property, equipment, and related facilities and may make all expenditures which the ~~Council~~City finds necessary or appropriate to carry out such purposes, either within or without the corporate limits. The City may sell or otherwise dispose of any or all by-products or salvage products from this operation. The City also may contract with any other person, public or private, to further purification of public waters or protection of the public health.

Section 11-302. Service Charges. For all purposes relating to design, construction, acquisition, operation, maintenance and contract requirements of sewage treatment or purification facilities and related facilities, the City may fix fees and charges for connection or use or both of sewers and sewage purification or disposal systems to be paid by property which is served or is capable of being served for use of the sewage disposal system. Sewer user service charges may be collected by the Water Bureau which shall be compensated for such service ~~as determined by the Council~~. The City may establish procedures for collection and may provide for penalties, interest and costs. The City may establish requirements and impose regulations as it finds appropriate. Sewer user service charges shall be paid for all premises connected with City sewers, directly or indirectly, notwithstanding that such premises may have been assessed or may in the future be assessed for construction of sewers under local improvement assessment procedures or may have otherwise paid for sewers.

The City may enter into contracts relating to sewage disposal, treatment or purification or all such functions. The City may impose charges for sewage transportation, disposal, treatment or purification or any or all such functions, on property outside the City served through City facilities, at rates no less than those imposed for similar service inside the City to similar classifications.

Proceeds of such charges shall be placed in the Sewage Disposal Fund, and may be expended for any matter connected with the sewer or sewage disposal or treatment system of the City, and bonded debt and debt service related thereto.

Section 11-303. Use of Sewers. The ~~Council~~City may require any property located within one hundred (100) feet of a right of way in which there is a City sewer to connect to that sewer.

The ~~Council~~City may prohibit discharge of sewage or harmful matter or impurities into any stream or river within the City. This prohibition may extend to any source whatever, including ships, houseboats and water craft of all kinds. These sources may be required to connect to the City's sewer system when physically possible, or otherwise to construct and use a prescribed sewage or waste disposal system.

To facilitate sewage treatment and protect the City's sewage facilities, the City may limit the classes or kinds of sewage that may be discharged or may continue to be discharged into public sewers, may prohibit discharge of wastes other than domestic sanitary sewage into public sewers or facilities, and may require private pretreatment before discharge, upon terms fixed by the City Engineer.

Section 11-304. Intent of Article. This Article shall be construed as granting additional authority, and not in derogation of any authority granted elsewhere in this Charter. This Article shall not affect authority of the ~~Council~~City concerning local sewer improvements and the assessment of benefits therefor. The ~~Council~~City also shall have all authority now or hereafter granted by statute concerning disposal and purification of sewage and waste.

CHARTER OF THE CITY OF PORTLAND, OREGON

CHAPTER 12

PUBLIC FACILITIES AND WORKS

ARTICLE 1. RECREATION AREAS.

Section 12-101. Parks and Recreational Areas and Facilities. The CouncilCity may establish parks, playgrounds, recreation areas and facilities of all kinds. For that purpose the CouncilCity may acquire by purchase, condemnation, gift, grant, donation, exchange or otherwise, real and personal property and any interest therein; may rent or lease property of any kind for public use; and may construct, reconstruct, remodel, alter, repair, maintain, improve and equip areas and facilities which the CouncilCity finds necessary, appropriate or desirable, either inside or outside the City. The CouncilCity may exchange any property for other property which it deems more suitable or convenient for park and recreation use, and may dispose of the property not needed for those purposes. The CouncilCity may establish exhibits and conduct programs for the education or the furtherance of public enjoyment and recreation, and may change, alter or discontinue them. The CouncilCity may construct, reconstruct, alter, remodel, furnish and equip improvements found necessary or appropriate for the convenience of the public using park and recreation facilities, or of persons or employees conducting or assisting park or recreational programs or maintaining parks, areas, facilities, or improvements. The CouncilCity may contract with any public or private person in any matter relating to services or programs. The CouncilCity may do all things it finds necessary or convenient to promote recreational facilities and aesthetic enjoyment of the people, and the beautification of City property.

Section 12-102. Regulations and Restrictions. ~~The Council or the Commissioner to whom authority has been delegated~~ The City may make regulations and impose restrictions on public use of parks, recreational areas and facilities as found needed and appropriate, may exclude some or all kinds of vehicles from all or particular areas of any park or facilities, may limit to a particular class or classes of persons those permitted to use any particular area or facility if the limitation is not based on race, color, creed or national origin, and may restrict the kinds and times of public use.

Section 12-103. Fees and Charges. The CouncilCity may fix fees it finds reasonable for specialized facilities, special services, conveniences, materials or supplies used in a program and for special programs of all kinds. After their establishment, payment of the fees shall be a condition prerequisite to use or participation. Establishment and collection of fees does not change the public character of any area, facility or program.

ARTICLE 2. FINANCING OF REVENUE PRODUCING FACILITIES.

Section 12-201. Revenue Bonds. For financing the acquisition of any public utility operating or to be operated within City jurisdiction, or of utility plant or property used or useful in connection with operation within the City, or for the construction, establishment or betterment of a facility inside or outside the City owned or to be owned by the City, and producing or intended to produce revenue, the City may issue and sell interest bearing revenue bonds. Revenue bonds shall not be a general liability of the City and shall be paid solely from the revenues derived from the facility and other pledged facilities or from the rental, lease or sale thereof. The CouncilCity may secure these bonds by mortgage or similar encumbrance upon the plant and property, may pledge the revenues thereof and revenues from similar facilities, and may agree in the bond that the rates and charges shall be fixed at specific, general or minimum amounts. Issuance of the bonds shall be pursuant to ordinance which shall be subject to referendum. The bonds shall be issued and sold the same as other bonds of the City. The proceeds derived from the sale of the bonds may be used for the costs of advertising, bond issuance and sale, legal fees and costs, planning, engineering, inspection, administrative costs, the acquisition by any lawful means of plant and property, real or personal, and interests in land and structures, construction, reconstruction, remodeling, equipment betterment, additions to and supply of the particular facility, and related matters.

ARTICLE 3. PERFORMANCE OF PUBLIC WORKS.

Section 12-301. Contract or Direct Labor on Public Work. Subject to other requirements of this Charter, the CouncilCity may enter into contracts it finds in the public interest, for the design, construction, reconstruction, alteration, remodeling, repair or maintenance of any public work, improvement, facility or structure, including any local improvement, or may at its option directly employ labor for this purpose or any portion thereof or function connected therewith. The CouncilCity may by practice or regulation classify various improvements and functions, some of which may be performed under contract and others of which may be performed by direct labor.

Section 12-302. Production of Materials. The CouncilCity may provide for the manufacture, compounding, mixture or production of any products, materials or supplies for use in public works, improvements or facilities, including local improvements, whether used by the City directly or by its contractor or contractors, but no such product, materials or supplies shall be sold to private persons for use in private enterprises in competition with private businesses.

CHARTER OF THE CITY OF PORTLAND, OREGON

CHAPTER 13

CHARTER REVISION AND INTERPRETATION

ARTICLE 1. REPEALS, AMENDMENTS AND RE-ENACTMENTS.

Section 13-101. Effect of Repeal, Amendment and Substitution. When a particular grant of authority contained in the Charter subsequently is removed, expressly or by implication, the prior grant of authority nevertheless shall continue in force unless specifically forbidden, to the following extent: if the City has contracted with another person under such authority, if the City has begun a public work, facility, structure, project or program pursuant thereto and termination would entail risk of City liability for damages, or if the [CouncilCity](#) finds that third persons have materially changed their position in reliance upon [CouncilCity](#) action thereunder, then the authority previously contained in the Charter shall continue until the contract, public work, facility, structure, project or program is completed, or the action carried out.

When a particular procedure is changed, expressly or by implication, proceedings pending or in process under the prior procedure may continue as though unchanged, or the [CouncilCity](#) may use the changed procedure for the balance of the proceedings after the change, or the [CouncilCity](#) may use the prior procedure in part and the changed procedure in part, as it finds appropriate or convenient.

Section 13-102. Continuance of Original Charter Provisions as Ordinances.

Ordinance provisions originally included in a Charter, subsequently continued as ordinances and not amended, repealed or superseded, shall continue in full force and effect as ordinances until amended, repealed or superseded by the Council. Reinclusion of the same authority or procedure in the Charter removes authority of the Council to affect them.

Section 13-103. Procedural Ordinances. When a Charter provision is to be implemented by general ordinance, lack of general ordinance setting forth the procedural steps shall not prevent an improvement, work or act. Existing ordinances may be followed so far as applicable, and the Council may, by resolution or ordinance relating to that improvement, work or act, carry out the public purpose by resolution or ordinance recognizing and approving the procedure followed. Lack of a general procedural ordinance shall not impair the validity of the proceedings. A subsequent general ordinance need not follow the same procedure.

In following procedures provided in this Charter, the Council by ordinance may fix additional procedures in any matter for which the procedures provided in this Charter are incomplete or silent.

ARTICLE 2. CONSTRUCTION AND INTERPRETATION.

Section 13-201. Restrictions and Limitations. Any restriction or limitation imposed on the authority of the [Council](#)[City](#) by Charter provision, applies only as its language explicitly and necessarily requires. Simultaneous or subsequent specification of authority is not exclusive and does not impair other or general authority and power granted by existing or future Charter provisions, by statute or by general law. Specification of procedures does not exclude other or alternative procedures unless expressly stated to be exclusive. The City has authority to carry out general or special powers expressed or implied by Charter, statute or general law, as the [Council](#)[City](#) finds necessary or convenient. This Section applies, unless expressly negated, to all present and future Charter provisions.

Section 13-202. Intent of Reinclusion of Former Charter Provisions.

Whenever a provision in a City Charter has been continued as an ordinance provision and subsequently reincluded in the Charter without substantive change, the reincluded provision shall be a continuance of the prior Charter provision to the extent of its reinclusion as though continued in the Charter without interruption.

Section 13-203. 2007 Amendments. The amendments that include adoption of this Section shall be effective on January 1, 2009. After that date, all bureaus and positions shall continue until changed by the Mayor or Council and all codes, ordinances and policies shall remain in effect until changed by the official or officials having authority over such provisions. Commissioners elected to City Council positions, whose terms extend past January 1, 2009, shall hold the position of Council member for the remainder of the terms to which they were elected. Any amendments to Chapter 4 or Chapter 15 of this Charter adopted at the Special Election in May 2007 shall be interpreted to be consistent with the amendments that include the adoption of this Section.