

**17.04.010 Definitions.**

(Amended by Ordinance Nos. 186902, 189629, 189837 and 190307, effective April 2, 2021.) The following definitions apply to the entirety of Title 17. Additional section-specific definitions may be found in other sections.

A. **“Alley”** has the definition provided by Section 33.109.030.

~~A-B.~~ **“Best Management Practices (BMPs)”** means operational, maintenance and other practices that prevent or reduce environmental, health or safety impacts. BMPs include structural controls, modification of facility processes, and operating and housekeeping pollution control practices.

~~B. C.~~ **“Brownfield”** means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

~~C D.~~ **“Building Permit”** means a permit required under Chapter 24 or state administrative rule to erect, construct, enlarge, alter, repair, move, improve, remove, convert, change occupancy group of, or demolish any building or structure, or to do any clearing or grading, or cause any of the same to be done.

~~D-E.~~ **“Chief Engineer”** means the engineer with the authority to act as the official agent of the bureau or department responsible for a local or public improvement or the lawfully designated subordinate of the City Engineer. For the Bureau of Transportation this shall be the City Engineer, for the Bureau of Environmental Services this shall be the Chief Engineer of the Bureau of Environmental Services, and for the Portland Water Bureau this shall be the Chief Engineer of the Portland Water Bureau.

~~E F.~~ **“City Engineer”** means the duly appointed City Engineer, or appropriate designees.

~~F G.~~ **“Department of Environmental Quality (DEQ)”** means the Oregon Department of Environmental Quality.

~~G H.~~ **“Development”** means all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, and areas devoted to exterior display, storage or activities which create the need for additional usage or construction of public infrastructure.

~~H I.~~ **“Director of the Bureau of Environmental Services”** means the duly appointed Director of the Bureau of Environmental Services, or the lawfully designated subordinate of the Director of Environmental Services acting under the orders of the Director of the Bureau of Environmental Services.

**I J.** “**Director of the Bureau of Transportation**” means the duly appointed Director of the Bureau of Transportation, or the lawfully designated subordinate of the Director of the Bureau of Transportation acting under the orders of the Director of the Bureau of Transportation.

**J K.** “**Dwelling Unit**” means a building or a portion of a building consisting of one or more rooms which may include sleeping, cooking, and plumbing facilities and are arranged and designed as living quarters for one family or household.

**K L.** “**Engineer’s Estimate**” means the calculation of anticipated total dollar cost of the construction of a public or local improvement project as determined by the Chief Engineer. The estimate is used in determining the face value of performance bonds where applicable.

**L M.** “**EPA**” means the United States Environmental Protection Agency.

**M N.** “**Frontage**” means the length of public right-of-way adjacent to a property, measured in feet.

**N O.** “**Lateral**” means the underground pipe that connects the plumbing system of a building or buildings to a public or private sewer.

**O P.** “**Local Improvement**” means an improvement of, on, over or under property that is or will be owned or controlled by the public, by construction, reconstruction, remodeling, repair or replacement, when the improvement is determined by the Council to confer a special benefit on certain properties, and such properties are to be charged through assessment all or a portion of the improvement cost.

**Q.** “**Local street**” means any street classified as a Local Traffic Service Street in the City’s adopted Transportation System Plan.

**P R.** “**Oregon Administrative Rules (OAR)**” means the State of Oregon Administrative Rules as amended.

**Q S.** “**Owner**” means an owner-of-record of real property according to the appropriate county’s assessment and taxation records.

**R T.** “**Person**” means any natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, and/or the manager, lessee, agent, servant, officer, or employee of any of them.

**S U.** “**Projected Future Curblines**” means:

1. The location of the curblines as designated on City plans for street construction;
2. To the edge of existing pavement; or

3. To the appropriate width of the designated street classification as described in TRN-1.09 Design Standards for Public Streets.

~~F~~V. **“Public Improvement”** means an improvement of, on, over or under property owned or controlled by the City, or property to be controlled by the City upon plat and easement recording for approved land divisions, by construction, reconstruction, remodeling, repair or replacement, when no property is intended to be charged through assessment any portion of the improvement cost.

~~U~~W. **“Public Sewer”** means the entire City sewage, sludge, and stormwater collection, conveyance, treatment, pollution reduction, reuse, and disposal systems, including all pipes, ditches, sumps, manholes, and other system components that:

1. Have been designed for the collection and transport of stormwater, wastewater, or sanitary sewage received from street inlets, sewer service laterals and common private sewer systems; and
2. Were
  - a. Constructed by the City’s Bureau of Environmental Services; or
  - b. Accepted by the City’s Bureau of Environmental Services under Section 17.32.055.

~~V~~X. **“Public Utility”** means a person currently possessing a franchise or privilege granted by the City of Portland to provide utility service, or is a City bureau charged with providing utility service, to the public to generate, transmit or provide any such service within the City, including but not limited to electricity, telecommunications, natural gas, sewer, water, stormwater, cable or pipeline services.

~~W~~Y. **“Public Works Project”** means any project performed or financed by a local, state, or federal government that results in the construction of a Local Improvement or a Public Improvement.

~~X~~Z. **“Responsible Engineer”** as used in this title means the Engineer with the authority to act as the official agent of the bureau or department responsible for a local or public improvement or the lawfully designated subordinate of the Responsible Engineer. For the Portland Bureau of Transportation this shall be the City Engineer; for the Bureau of Environmental Services this shall be the Chief Engineer of the Bureau of Environmental Services; and for the Portland Water Bureau this shall be the Chief Engineer of the Portland Water Bureau.

~~Y~~AA. **“Responsible Official”** means the Official with the authority to act as the official agent of the bureau or department or the lawfully appointed subordinate of the Responsible Official. For the Bureau of Transportation, this shall be the Director of the Bureau of Transportation as defined in this Section. For the Bureau of Environmental Services, this shall be the Director of

the Bureau of Environmental Services as defined in this Section. For the Portland Water Bureau, this shall be the Director of the Portland Water Bureau as defined in this Section.

**ZBB.** “Street” means any street as defined in the City Charter, including all area between property lines, and area dedicated to street use.

**AA-CC.** “Tri-County Metropolitan Transportation District of Oregon (TriMet)” is a public agency established under ORS 267.010 to 267.390 that operates mass transit which spans most of the Portland metropolitan area, and/or the manager, lessee, agent, servant, officer, or employee of the organization.

#### **17.42.010 Policy.**

A. It has been and remains the policy of the City of Portland that streets are constructed at the expense of abutting property owners and are maintained by abutting property owners until street improvements are constructed to the applicable standards of, and accepted for maintenance by, the City. Until a street improvement has been constructed to City standards and the City has expressly assumed responsibility for street maintenance, it is the exclusive duty of the abutting property owners to construct, reconstruct, repair and maintain the unimproved street in a condition reasonably safe for the uses that are made of the street and adjoining properties. Streets that have not been improved to City standards are not and will not be maintained or improved at City expense, except at the discretion of the City and as provided in this Code and the City Charter.

The City may, at its discretion, conduct maintenance and repair activities on gravel streets and alleys. Such an action will not constitute an express or implicit decision by the City to accept maintenance responsibility for such a street or alley.

B. Disputes regarding the condition of the unimproved street are private actions among affected property owners.

#### **17.42.020 Maintenance and Construction Responsibility.**

(Amended by Ordinance No. 177124, effective January 10, 2003.) The City assumes no responsibility for maintenance, construction or reconstruction of any street until and unless:

A. The street has been constructed to City standards and specifications; and

B. The City has expressly accepted maintenance responsibility for the street by the City Engineer.

#### **17.42.040 Definition.**

~~(Amended by Ordinance Nos. 173369 and 190307, effective April 2, 2021.) As used in this chapter, the term “street” is defined as provided in Chapter 17.04 of the City Code and includes any drainage facilities associated with the street, and any structures in the dedicated street~~

area. It also includes the run-off from any street where no drainage facilities have been constructed.