

## **TITLE 15 -EMERGENCY CODE**

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**TITLE 15 - EMERGENCY CODE**

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

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**CHAPTER 15.04 - EMERGENCY CODE**

**Sections:**

- 15.04.010 Title.
- 15.04.020 Purpose.
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- 15.04.040 Declaration of State of Emergency.

**15.04.010 Title.**

This Title shall be known as the “Emergency Code.”

**15.04.020 Purpose.**

The purpose of this Title is to provide for regulations which set forth the responsibilities of the City in the event an emergency exists within the City. The regulations are intended to reduce the risk of the City to loss of life, injury to persons, property, and the environment. The goal of regulations and the emergency code is to decrease human suffering and financial loss resulting from emergencies or disasters and to assign authority and responsibilities to various City bureaus. The State has assigned the responsibility for responding to emergencies and disasters to local governments.

**15.04.030 Definitions.**

(Amended by Ordinance No. 187370, effective October 7, 2015.)

- A. "Emergency" means any natural, technological or human-made event or circumstance causing or threatening: widespread loss of life, injury to persons or property, human suffering or financial loss, including but not limited to fire, explosion, flood, severe weather, landslides or mud slides, drought, earthquake, volcanic activity, tsunamis or other oceanic phenomena, spills or releases of oil or hazardous material, contamination, utility or transportation emergencies, housing emergencies, disease, blight, infestation, civil disturbance, riot, sabotage, acts of terrorism and war.

**15.04.040 Declaration of State of Emergency.**

(Amended by Ordinance Nos. 187370 and 190381, effective April 30, 2021.)

- A. A state of emergency exists when:
  - 1. The situation requires a coordinated response beyond that which occurs routinely;
  - 2. The required response is not achievable solely with the added resources available through mutual aid or cooperative assistance agreements; and
  - 3. The Mayor or other City official, as provided in Portland City Code Section 15.08.010, has declared by proclamation that a State of Emergency exists.

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- B.** The declaration shall be in writing, shall designate the geographic boundaries of the area in which the State of Emergency exists, and shall fix the duration of time in which the State of Emergency shall exist. Except for a declared housing emergency, the initial duration shall not exceed a two-week period, but may be extended in two-week increments. The initial duration of a housing emergency shall not exceed one year, but may be extended in six-month increments.
- C.** The Mayor must declare the City in a State of Emergency prior to requesting from the governing body of Multnomah County resources not available through mutual aid or cooperative assistance agreements.
- D.** The Mayor shall have the power to ask the Governor to declare a State of Emergency within the City. Pursuant to ORS 401.165 (2), the Mayor must submit the request through the governing body of Multnomah County.
- E.** Except for a declared housing emergency, the Mayor shall terminate the State of Emergency by proclamation when the emergency no longer exists or when the threat of an emergency has passed. The Mayor will communicate the change from the disaster response phase to the recovery phase with all appropriate officials.
- F.** When circumstances create an immediate need to provide adequate, safe, and habitable shelter to persons experiencing homelessness, the Council may declare a housing emergency exists. A housing emergency is a health and safety emergency under Portland City Code Subsection 33.296.030 G. and mass shelters are allowed as temporary activities for the duration of the emergency subject to the standards in Section 33.296.040.
- G.** The Council shall terminate a housing emergency by resolution when the emergency no longer exists or when the threat of an emergency has passed.
- H.** When circumstances create an unmet need for safe and habitable shelter, the Council may adopt an ordinance declaring a shelter shortage. This declaration will remain in effect until the Council terminates the declaration by ordinance.

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RESPONSIBILITY**

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**15.08.010 Succession.**

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

- A.** The Mayor is the Chief Executive of the City of Portland. If the Mayor, for any reason, is unable or unavailable to perform the duties of office under this Title during a State of Emergency, the duties shall be performed and authority exercised by the first of the following who is able and available:
  - 1.** The President of the Council;
  - 2.** The Council member who served as the immediate past President of the Council;
  - 3.** The Council member who served as the former past President of the Council and thereafter, the Council member holding the position with the lowest number if no member present has served formerly as President of the Council;
  - 4.** The first of the City officials in the following order: City Auditor, Chief Administrative Officer, City Attorney, Chief of Staff to the Mayor, the Chiefs of Staff of Council members in the order of priority listed in Subsection 15.08.010 A.1.-3. above, the Directors of Public Safety and Infrastructure Bureaus in the following order: Police Bureau, Fire Bureau, Transportation Bureau, Water Bureau, Bureau of Environmental Services, Parks Bureau, Bureau of Emergency Management, Bureau of Emergency Communications, Bureau of Human Resources, and thereafter the Directors of the Bureaus largest to smallest as determined by the number of full-time employees;
- B.** The powers of the successor to the Mayor's authority shall be the same as the Mayor and the duration of succession shall be until such time as the Mayor is able to perform the duties of office or a proclamation has been issued to terminate the State of Emergency.

**15.08.020 Authority during a State of Emergency.**

- A.** Upon the declaration of a State of Emergency, the Mayor shall assume centralized control and shall have authority over all bureaus, departments and other City offices as among other powers. The Mayor may delegate any authority vested in the Mayor.
- B.** Upon the declaration of a State of Emergency, in addition to any other power that may lawfully be exercised by a local government, the Mayor may:

  - 1.** Utilize all City owned resources;
  - 2.** Designate persons to coordinate the work of public and private relief agencies operating in the area and exclude from the area, any person or agency refusing to cooperate and work under the Director and/or Incident Commander or to coordinate with other agencies engaged in the emergency work;
  - 3.** Regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means, the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods and services;
  - 4.** Order the removal of debris and wreckage which may threaten the public health or safety on public or private property consistent with the provisions of PCC 15.08.030;
  - 5.** Barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the area designated as an emergency area for such distance as may be deemed necessary under the circumstances;
  - 6.** Prohibit or limit the number of persons who may gather or congregate upon any public street, public place or any outdoor place within the area designated as an emergency area;
  - 7.** Establish a curfew for the designated emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places;
  - 8.** To the extent allowed by law, prohibit the sale, carrying or possession of explosives of any kind or weapons of any kind other than firearms on public streets or public places;
  - 9.** Establish rent controls and provide temporary or permanent housing by purchase, lease or otherwise and to enter into arrangements necessary to prepare or equip the living units for occupancy;

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10. Order the evacuation of persons from designated areas when necessary for public safety or when necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency;
11. Order such other measures as may be necessary to protect the life, safety and health of persons, property or the environment;
12. Adopt rules for the expeditious issuance of permits necessary to address issues that arise from the emergency or disaster;
13. Enter into contracts to the extent authorized by Charter Sections 8-104 and 8-105;
14. Activate emergency plans.

**15.08.025 Authority during a Housing Emergency or Shelter Shortage.**

(Added by Ordinance No. 187370; amended by Ordinance No. 190381, effective April 30, 2021.)

- A. Upon the declaration of a Housing Emergency or Shelter Shortage, the authority over all bureaus, departments, and other City offices shall remain as most recently delegated by the Mayor under Portland City Charter Section 2-302 unless the Mayor directs otherwise by written executive order.
- B. Upon the declaration of a Housing Emergency or Shelter Shortage, in addition to any other powers that may be exercised by a local government, the Council may:
  1. Utilize City owned resources;
  2. Designate persons to coordinate the work of public, private, or nonprofit relief agencies responding to the housing emergency;
  3. Provide temporary or permanent housing by purchase, lease or otherwise;
  4. Order such other measures as may be necessary to protect the life, safety and health of persons, property or the environment;
  5. Direct the expeditious issuance of permits necessary to address issues that arise from the emergency;
  6. Enter into contracts to the extent authorized by Charter Sections 8-104 and 8-105;
  7. Activate emergency plans; and
  8. Waive Portland City Code regulations or administrative rules to the extent necessary to respond to the housing emergency or shelter shortage, provided



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that, where feasible under the circumstances, Council will give advance notice of waiver of Title 33 provisions.

**15.08.030 Declaration of Nuisance.**

- A. Debris or wreckage resulting from a disaster or emergency situation is declared to be a nuisance.
- B. The nuisance shall be abated as provided by City Code, however, in situations where the public health or safety may be in danger, the City may summarily abate the nuisance and assess the property for the actual cost. Assessment procedures shall be followed.

**15.08.040 Enforcement and Penalties.**

- A. Enforcement of this Chapter may be by civil action as provided in ORS 30.315, or by criminal prosecution.
- B. In addition to any other penalty provided by law, refusal to obey an order issued under the authority of PCC 15.08.020 shall be punishable upon conviction by a fine of not more than \$500 per occurrence.
- C. Any peace officer may issue a citation for violation of this Section.

**15.08.050 Controlling Provisions.**

In the event of an emergency, the provisions in this Title shall control over any conflicting provisions in the Code of the City of Portland.

