

**TITLE 12**  
**AIR POLLUTION**  
**EMERGENCY EPISODES**

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**Chapter 12.04**

**PURPOSE**

**12.04.010 Purpose.**

The purpose of this Chapter is to provide for procedures, standards and penalties to control air pollution and thereby minimize or avert an adverse effect on the health of the general population and in order to prevent a substantial endangerment to the health of persons which may arise out of such air pollution.

**Chapter 12.08**

**EXECUTIVE RESPONSIBILITY**

**Sections:**

- 12.08.010 Mayor and Successor to Mayor.
- 12.08.020 Authority.
- 12.08.030 Traffic Control Area Defined.
- 12.08.040 Authorized Vehicles Defined.

**12.08.010 Mayor and Successor to Mayor.**

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 Code during a state of emergency, the duties shall be performed by:

- A.** The president of the Council;
- B.** The available Council member who has most recently served as President of the Council;
- C.** The available Council member holding the position with the lowest number.

The powers of the successor to the Mayor shall be limited to those granted under this Code and duration of succession shall be until such time as the Mayor is able and available to perform the duties of office.

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**12.08.020 Authority.**

The measure for and declaration of air pollution emergency episodes is in the Department of Environmental Quality of the State of Oregon, hereinafter referred to as DEQ or other designated regional authority as may lawfully replace DEQ. Based upon the type of declaration that is issued, the Mayor, on behalf of the City, shall take the appropriate procedure as set forth in Chapter 12.16. Once the procedure has been instituted, it shall remain in effect until terminated by the measuring and declaring authority. The air pollution emergency episodes consist of three levels designated as:

- A. Air pollution condition ALERT,
- B. Air pollution condition WARNING, and
- C. Air pollution condition EMERGENCY.

**12.08.030 Traffic Control Area Defined.**

As used in this Chapter, the traffic control areas shall be within the following boundaries: downtown Portland, West Burnside on the north, S.W. Clay on the south, S.W. Front on the east, and S.W. 13th Street on the west; Lloyd Center area, N.E. Weidler Street on the north, N.E. Holladay Street on the south, N.E. 16th Avenue on the east, and N.E. Grand Avenue on the west.

**12.08.040 Authorized Vehicles Defined.**

(Added by Ordinance Number 138468; passed and effective July 3, 1974.)

As used in the Chapter, authorized vehicles shall be as follows and as defined in Chapter 16.90 Vehicles and Traffic, of the Code of the City of Portland:

- A. Authorized emergency vehicles;
- B. Commercial vehicles;
- C. Motor bus;
- D. School bus;
- E. Taxicab.

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**Chapter 12.12**

**PENALTIES AND VIOLATIONS**

**Sections:**

- 12.12.010 Penalties.
- 12.12.020 Violation.

**12.12.010 Penalties.**

The penalty for any violation of this Chapter shall be a maximum of \$500 fine or 6 months in jail or both.

**12.12.020 Violation.**

Except as provided and designated herein, it shall be unlawful for any person to drive a motor vehicle into the traffic control area during any prohibited time as may be declared by the Mayor or when an air pollution condition warning or air pollution condition emergency hereunder has been declared to exist.

**Chapter 12.16**

**AIR POLLUTION CONDITIONS**

**Sections:**

- 12.16.010 Air Pollution Condition ALERT.
- 12.16.020 Air Pollution Condition WARNING.
- 12.16.030 Air Pollution Condition EMERGENCY.

**12.16.010 Air Pollution Condition ALERT.**

Upon notification by the authority as designated in Section 12.08.020 that an air pollution condition ALERT is in effect, the Mayor shall take the procedure as follows:

- A.** All City departments will respond to the voluntary actions of the ALERT level as ordered by the Mayor.
- B.** Tri-Met will be notified by the Mayor that an air pollution ALERT has been declared.

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- C. The Mayor will release a statement to the news media, which statement will contain the following basic information:
  - 1. Basic information provided in the press release will be the measurement level, the request for voluntary restraints by all citizens in the use of motor vehicles within the traffic control area, a caution to citizens with respiratory ailments, the possibility of involuntary controls becoming necessary if pollution reaches warning condition and that the objective is to cut the use of automobiles to ½ present use level until the pollution is relieved.
- D. The Mayor will request DEQ to keep the public informed of pollution levels as information becomes available.
- E. The Mayor will encourage the news media to cooperate in keeping the public well informed.

**12.16.020 Air Pollution Condition WARNING.**

(Amended by Ord. No. 138468; passed and effective July 3, 1974.)

Upon notification by the authority as designated in Section 12.08.020 that an air pollution WARNING is in effect, the Mayor shall take the procedure as follows:

- A. The Mayor shall notify Tri-Met or other mass transit that air pollution WARNING is in effect and that additional bus service may be required.
- B. The Mayor shall release a statement to the news media which will contain the basic information as follows:
  - 1. Basic information to be provided in the press release will be the air pollution measurement level, that voluntary controls have not succeeded in regulating the carbon monoxide levels, that it is necessary to institute involuntary action, that the present level of carbon monoxide could have an adverse effect on the health of the general population; that at 9:00 a.m. to 7:00 p.m., on each day during such time as the warning is in effect, public work crews will place barricades on all streets into the traffic control area, which area is bounded by West Burnside, S.W. Front, S.W. Clay and S.W. 13th Streets in downtown Portland; N.E. Weidler, N.E. Holladay, N.E. 16th Avenue, N.E. Grant Avenue in the Lloyd Center area, after which time only authorized vehicles will be permitted to enter the area, through-traffic will be permitted on the above-named perimeter streets, that the police will enforce the prohibition against entry into the traffic control area and violators will be subject to arrest.

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- C. The Mayor will encourage the news media to cooperate in keeping the public well informed, and will request DEQ to provide the news media with the pollution levels.
- D. The Mayor shall order the chief of police and the City Traffic Engineer to place in effect traffic control measures so as to prohibit entry of all motorized vehicles except authorized vehicles after 9:00 a.m. to 7:00 p.m., to the traffic controlled area during such time as the air pollution WARNING continues to exist. The Mayor hereby is authorized to erect barricades or place police to control entry to the traffic control area so as to limit all motorized vehicles, except authorized vehicles through the traffic control area after 9:00 a.m. to 7:00 p.m., during any day that the air pollution condition WARNING continues to exist.

**12.16.030 Air Pollution Condition EMERGENCY.**

(Amended by Ord. No. 138468; passed and effective July 3, 1974.)

Upon notification by the authority as designated in Section 12.08.020 that an air pollution EMERGENCY is in effect, the Mayor shall take the procedure as follows:

- A. The Mayor shall release a statement to the news media, which statement will contain the following basic information:
  - 1. Basic information provided in the press release will be the carbon monoxide measurement level, that previous measures to curb the level of carbon monoxide have failed and that an air pollution condition EMERGENCY has been declared; that no traffic except authorized emergency vehicles as defined in 12.08.040 A herein will be permitted within the traffic control area; that barricades have been or will be erected and police will enforce the prohibition against vehicle entry into the traffic control area and violators will be subject to arrest. That the control measures are necessary and required to prevent carbon monoxide from reaching a level that would constitute an imminent and substantial endangerment to the health of persons; that all controls will be continued until the carbon monoxide content returns to a safe level.
- B. The Mayor will request DEQ and the news media to continue public information procedures.
- C. The Mayor hereby is authorized and shall order the implementation of traffic control plans to prohibit entry of all vehicles, except authorized emergency vehicles as defined in 12.08.040 A herein, into the traffic control area.

