



COUNCIL RESOLUTION No. 39-2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,
RATIFYING THE LOCAL STATE OF EMREGENCY RELATED TO EXTREME AND DRY
CONDITIONS AND THE USE OF FIREWORKS.**

WHEREAS, on June 29, 2021, the city manager declared a local state of emergency through July 9, 2021, related to the recent and continuing extreme and dry conditions and the use of fireworks within the City of Milwaukie; and

WHEREAS, the City Council wishes to ratify the city manager's emergency declaration (Exhibit A).

Now, Therefore, be it Resolved by the City Council of the City of Milwaukie, Oregon, that the local state of emergency, as described above, is ratified through July 9, 2021.

Introduced and adopted by the City Council on **July 1, 2021**.

This resolution is effective immediately.

A handwritten signature in black ink, appearing to read 'Mark F. Gamba'.

Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read 'Scott S. Stauffer'.

Scott S. Stauffer, City Recorder

A handwritten signature in black ink, appearing to read 'Justin D. Gericke'.

Justin D. Gericke, City Attorney

**City of Milwaukie, Oregon
DECLARATION OF A STATE OF EMERGENCY
June 29, 2021**

The City Manager of the City of Milwaukie (the "City") finds that:

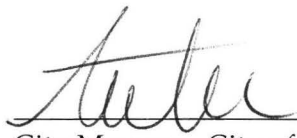
- A. There are existing conditions resulting in the need for a local emergency declaration.
- B. The City has been experiencing extreme heat for several days, including multiple days with temperatures above 110 degrees Fahrenheit.
- C. The National Weather Service has recently issued an Excessive Heat Warning for the region, which includes the City.
- D. The extreme heat experienced in the region has and will continue to contribute to already high fire danger in the region, which includes the City.
- E. The current National Weather Forecast for Milwaukie shows daily temperatures near or exceeding 90 degrees Fahrenheit through at least July 4, 2021.
- F. According to the National Fire Protection Association, fireworks cause over 19,000 fires and require emergency room treatment for over 9,000 people in the United States each year.
- G. Pursuant to the authority granted by Oregon Revised Statutes (ORS) Chapter 401, the City of Milwaukie Emergency Operations Plan (EOP), and Milwaukie Municipal Code (MMC) 1.15.020, the City Manager may declare that a state of emergency exists.

Now, therefore, based on the above findings, THE CITY MANAGER OF THE CITY OF MILWAUKIE ORDERS THAT:

- 1. A local state of emergency is declared to exist throughout the City of Milwaukie.
- 2. The following conditions have resulted in the need for a state of emergency:
 - A. Extreme and pervasive heat and dry conditions;
 - B. Dangerous conditions for the use of fireworks; and
 - C. Significant likelihood of fire damage from the use of fireworks.

3. This declaration of a state of emergency is effective immediately and will remain in effect until July 9, 2021. It may be amended, modified, supplemented, and/or extended in additional increments so long as conditions continue to pose an ongoing, immediate, and substantial threat to life, safety, health, or property in the City of Milwaukie.
4. The use of any and all fireworks as defined by ORS 480.111 within the City of Milwaukie during this emergency is strictly prohibited. For purposes of this section, "use" includes lighting, exploding, or igniting in any way. Use of fireworks that are illegal under state law continues to be prohibited at all times.
5. Pursuant to MMC Chapter 9.18 and this declaration of emergency, any person who violates the terms of this state of emergency commits a civil infraction and will be subject to a fine of up to \$1000 for each violation, and may be prosecuted in municipal court.
6. The City Manager, or designee, is authorized to take all necessary actions authorized by law to enforce the terms of this declaration of emergency. The City Manager, or designee, is also authorized to coordinate response and recovery efforts related to this emergency, including, but not limited to, requesting assistance from the State of Oregon and Clackamas County.

Dated this 29th day of June 2021.



City Manager, City of Milwaukie

Subject to ratification of the City Council on July 1, 2021.