



COUNCIL ORDINANCE No. 2208

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE CHAPTER 1.15 EMERGENCY OPERATIONS AND DECLARING AN EMERGENCY.

WHEREAS, on April 3, 2012, the city adopted an Emergency Operations Plan (EOP) through Ordinance 2046; and

WHEREAS, considering recent emergency situations, including the COVID-19 global pandemic, wildfires, and ice storms, the city has determined that the municipal code related to emergency operations needed to be reviewed; and

WHEREAS, city staff reviewed and proposed updated emergency code language to the City Council for the purposes of improving the city's ability to declare and respond to emergencies; and

WHEREAS, the City Council finds it necessary to formally adopt the proposed code language.

Now, Therefore, the City of Milwaukie does ordain as follows:


Section 1. Amendments. Milwaukie Municipal Code (MMC) Chapter 1.15 Emergency Operations, is amended to read as shown in Exhibit A.

Section 2. Emergency. The city desires that the amended MMC Chapter 1.15 should be in effect immediately and therefore declares an emergency to exist and this ordinance will become effective upon the date of its adoption.

Read the first time on 9/7/2021 and moved to second reading by 5:0 vote of the City Council.

Read the second time and adopted by the City Council on 9/7/2021.

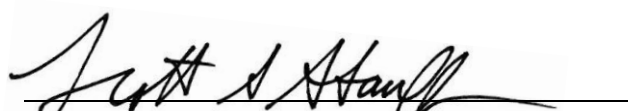
Signed by the Mayor on 9/7/2021.



Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder

Justin D. Cericke, City Attorney

MMC 1.15.005

This chapter may be referred to as the "Emergency Code." To the extent that a conflict exists between this chapter and the Emergency Operations Plan (EOP) adopted pursuant to MMC 1.15.010, the provisions of this chapter apply, , and govern emergency authority within the city of Milwaukie.

MMC 1.15.010

The City of Milwaukie Emergency Operations Plan dated February 2012 is hereby adopted pursuant to ORS Chapter 401. (Ord. 2046 § 1, 2012; Ord. 1864 § 1, 1999).

MMC 1.15.020

Purpose.

This chapter is designed to provide direction for the city, its officials, and others consistent with the city's Charter and ORS 401.305 to ORS 401.335 in the event an emergency or disaster is declared by the city manager. This chapter is intended to reduce the risk to city residents, members of the general public, and city infrastructure of loss of life, injury to persons, or damage to property or to the environment.

MMC 1.15.030

Definitions.

- A. "City Manager" is the person designated by council to act as the administrative head of the city government and to exercise the authority to declare that a state of emergency exists. In the event the incumbent city manager is unavailable, for any reason, to exercise the authority under this chapter, the individuals acting in the following positions will be deemed designee to the city manager in the following order of succession:
 - 1. Assistant City Manager;
 - 2. Chief of Police;
 - 3. Public Works Director;
 - 4. Community Development Director.
- B. "Disaster" means an occurrence or threat of imminent widespread or severe damage, injury, loss of life, or property damage, regardless of cause, which the city manager or designee determines to have caused or to be likely to cause significant damage as to warrant outside disaster assistance to supplement the city's own resources.
- C. "Emergency" includes any human-created or natural event or circumstance causing or threatening to cause significant loss of life, injury to persons or property, human suffering or financial loss, including but not limited to, fire, flood, severe weather, drought, earthquake, pandemic, and spills or releases of oil or hazardous material as defined in ORS 466.605.
- D. "State of Emergency" means a situation meeting the definition of emergency and proclaimed in writing by the city manager. If the city manager is unavailable to make the declaration, it may then be made in order of succession authority, or, if a designee to the city manager is unavailable, by the acting incident commander as set forth in the EOP and confirmed in writing by a member of the city council in the following successive order:

1. The mayor;
2. The current president of the council;
3. Then successively through the council in the order of continuous tenure serving as a member of the council. In the event the incumbent city manager is unavailable at the inception or during the course of the emergency, the person making the declaration will have the authority to act as the manager until the council selects another person to act in that capacity.

MMC 1.15.040

Declaration of Emergency.

- A. Authorization. The EOP describes the conditions required for the declaration of a state of emergency within the City and the city manager is the individual authorized to declare that a state of emergency exists pursuant to ORS 401.309(1).
- B. Declaration. Any declaration of emergency must be issued in writing by the city manager and will be subject to review and revision by the mayor and city council. At a minimum, the declarations will be reviewed during the next city council meeting immediately following the date of the declaration.

The declaration of emergency will:

1. Describe the circumstances impacting an identified area;
2. Designate the geographic boundaries in which the state of emergency exists;
3. Clearly state actions taken locally to respond to the impact and needs;
4. Identify the duration of time in which the state of emergency will exist.

The initial declaration will be effective for no longer than a two-week period, but it may be extended with approval from a majority of the existing city council in the event that the emergency continues to exist.

The declaration is in effect until the initial declaration period lapses or the city manager, or acting designee, terminates the state of emergency by written proclamation.

- C. Once a state of emergency has been declared, the city manager will have authority to take actions and issue written orders as deemed to be necessary and prudent to protect public health and safety, and private and public property within the city.
- D. After the initial declaration of emergency is issued, the declaration may include procedures necessary to prepare for and carry out any activity to prevent, minimize, respond to, or recover from an emergency. These procedures may include, but are not limited to, the following measures, consistent with applicable laws:
 1. Establishing curfew(s) for area(s) subject to the declaration, including hours of operation for businesses and other establishments;
 2. Mandating the evacuation of residents and other individuals from structures or areas;
 3. Prohibiting, or regulating the number of persons gathering or congregating on any public property or outdoor space within the area subject to the declaration;
 4. Closing or restricting the use of public roads and streets within or leading to or from the area subject to the declaration;

5. Restricting or prohibiting the sale of products deemed dangerous, including but not limited to alcohol, flammable liquids, and explosives;
6. Declaring and ordering the abatement of nuisances, including damaged structures;
7. Waiving or modifying rules governing purchasing, execution of contracts and authorizing expenditures;
8. Suspending or modifying personnel rules;
9. Imposing new fees, or waiving or modifying existing fees;
10. Prohibiting or restricting the possession of weapons;
11. Restricting or regulating commercial activity;
12. Order other measures as are necessary for the protection of life or property, or for the recovery from the emergency.