

Title 15 Emergency Code

Overview: Title 15 describes how, and by whom, an emergency may be declared in the City of Portland and what authorities are granted under an emergency declaration. As part of the process to match this code with the amended Portland city charter, the transition team worked with the Portland Bureau of Emergency Management and reviewed Oregon state laws, FEMA recommendations and requirements, and emergency codes from other similar and similarly sized cities such as Seattle, Denver, Baltimore, Washington DC, and Milwaukee to ensure the proposed code meets national best practices.

Proposed Amendments

Section	Policy Choice	Reason
15.04.030	The mayor is the declaring official.	Emergencies require urgent, coordinated efforts by city bureaus and personnel. It's typical for the head of the administration to be the declaring official. Starting January 1, 2025, the mayor is the head of the administration.
15.04.040 and 15.04.050	Emergencies may be initially declared for 21 days and renewed in intervals of 14 days. The declaring official may request that Council extend the declaration for up to 60 days.	The need for emergency coordination often extends beyond the initial urgent situation. Allowing for a several extension options ensures emergencies can be managed well through the entire recovery process.
15.04.050	Option 1: A vote of at least nine council members to modify or terminate an emergency declaration. Option 2: Only the declaring official can modify or terminate an emergency declaration.	Option 1: The basis for this option is that this is a common authority granted in other cities for council to have a check on the declaring official's authority. Option 2: As emergency response is primarily administrative, rather than legislative, maintaining the separation of powers is important. The basis for this option is that Council's budget authority is the check on a declaring official's authority.
15.04.060	The Housing Emergency section has been left unchanged.	Starting January 1, 2025, the need to declare emergencies for bureau coordination won't be as necessary, due to all bureaus reporting to a city administrator. Keeping the code in place without significant alteration will allow current programs to continue.
15.08.010	Order of succession updated to reflect both charter updates and bureau name updates.	If the mayor for any reason is unable to perform their duties, it is important to establish who will step into that role. Some of the succession is established by charter but this more extensive list ensures continued city leadership in an emergency.
15.08.020	Added that an emergency declaration may halt the movement of trains, boats, or other vehicles.	This is a common authority granted in other cities with waterways, train tracks, or airports.

Next Steps: [Submit questions or provide comments](#) on the proposed amendments or draft language (next page). Input or suggestions will be considered if submitted by 5:00 p.m. **January 22, 2024**. An ordinance approving the final proposed code language is anticipated be at council on February 21 and 28, for first and second reading. [Public testimony](#) will be allowed at first reading. The effective date for this code language will be January 1, 2025.

Chapter 15.04 Emergency Code

15.04.010 Title.

This Title is known as the “Emergency Code.”

15.04.020 Purpose.

The State has delegated to local governments the responsibility for responding to emergencies. The purpose of the Emergency Code is to identify and delegate City responsibilities when an emergency exists within the City. The goal is to reduce the risk of widespread loss of life, injury to persons, property or the environment, and to decrease human suffering and economic loss resulting from emergencies.

15.04.030 Definitions.

- A. “Emergency” means any natural, technological or human-made event or circumstance causing or threatening: widespread loss of life, injury to persons or property, harm to the environment, human suffering or economic loss, including but not limited to fire, wildfire, 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, cybersecurity incidents, acts of terrorism and war.
- B. “Declaring official” means the Mayor or other City official as provided in Portland City Code Section 15.08.010.

15.04.040 Declaration of State of Emergency

- A. A state of emergency exists when the declaring official has declared that a state of emergency exists and:
 - 1. The situation requires coordination of response or policy beyond that which occurs routinely; or
 - 2. The required response is not achievable solely with the added resources available through mutual aid or cooperative assistance agreements.
- B. The declaration will be in writing, will designate the geographic boundaries of the area in which the state of emergency exists, and will fix the duration of time in which the state of emergency will exist.

- C. The state of emergency will be in effect for the period set forth in the declaration, but may not exceed 21 days in duration. If the Council does not extend the state of emergency upon request of the declaring official and Council does not otherwise modify or terminate an emergency declaration as provided in Portland City Code Section 15.04.050, the declaring official may renew the declaration in intervals of up to 14 days. If the Council extends the emergency by non-emergency ordinance, the declaring official may renew the declaration in intervals of up to 14 days until the effective date of the ordinance.
- D. The declaring official must declare a state of emergency prior to requesting from the governing body of Multnomah County resources not available through mutual aid or cooperative assistance agreements.
- E. The declaring official has authority to ask the Governor to declare a state of emergency within the City. Pursuant to ORS 401.165 (2), the declaring official must submit the request through the governing body of Multnomah County.
- F. If the emergency declaration is still in effect when the emergency no longer exists or when the threat of an emergency has passed, the declaring official will terminate the state of emergency by declaration. The declaring official will communicate the change from the disaster-response phase to the recovery phase with all appropriate officials.

[15.04.050 Council Consideration of Emergency Declaration](#)

Option 1	Option 2
<p>A. The Council may, by ordinance:</p> <ul style="list-style-type: none"> 1. Extend a state of emergency for additional periods of up to 60 days upon request by the declaring official; 2. With the affirmative vote of at least nine Councilors, decrease or terminate the duration of time during which an area so designated remains an emergency area or modify or terminate specific emergency measures contained in the declaration. 3. Modification or termination of the emergency declaration is prospective only and does not affect any actions taken prior to modification or termination. 	<p>A. The Council may, by ordinance:</p> <ul style="list-style-type: none"> 1. Extend a state of emergency for additional periods of up to 60 days upon request by the declaring official; 2. Termination of the emergency declaration is prospective only and does not affect any actions taken prior to termination.

15.04.060 Declaration of Housing Emergency or Shelter Shortage by Council

A. Housing Emergency

1. When circumstances create an immediate need to provide adequate, safe, and habitable shelter to persons experiencing homelessness, the Council may declare by ordinance that a housing emergency exists. A housing emergency is a health and safety emergency under Portland City Code Subsection 33.296.030 G. and shelters are allowed as temporary activities for the duration of the emergency subject to the standards in Section 33.296.040. The initial duration of a housing emergency may not exceed one year. A housing emergency may be extended in increments of up to three years.
2. If a housing emergency is still in effect when the emergency no longer exists or when the threat of an emergency has passed, the Council will terminate the housing emergency by ordinance.

B. Shelter Shortage

1. When circumstances create a continuing unmet need for adequate, 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. A shelter shortage is a health and safety emergency under Portland City Code Subsection 33.296.030 G. and shelters are allowed as temporary activities for the duration of the emergency subject to the standards in Section 33.296.040.

Chapter 15.08 Executive Responsibility

15.08.010 Succession.

(Amended by Ordinance [185304](#), effective June 1, 2012.)

- A. Executive and administrative powers are vested in the Mayor. 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 will be performed and authority exercised by the first of the following who is available:
1. The Mayor's Chief of Staff;
 2. City Administrator;
 3. Deputy City Administrators in the order designated by the City Administrator in writing and filed with the Bureau of Emergency Management;
 4. Assistant City Administrator;
 5. City Attorney;
 6. The Director of the Bureau of Emergency Management; and
 7. The Directors of Public Safety and Infrastructure Bureaus in the following order: Police Bureau, Fire & Rescue Bureau, Transportation Bureau, Water Bureau, Bureau of Environmental Services, Parks & Recreation Bureau, 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 authority of the successor to the Mayor's authority is the same as the Mayor and the duration of succession will be until such time as the Mayor or other official higher in the order of succession is able to perform the duties of office or the state of emergency is terminated.

15.08.020 Authority During a State of Emergency.

- A. 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. Direct any city bureaus, departments, or offices to reallocate funds and utilize and employ city personnel, equipment and facilities for the performance of any

activities designed to prevent, alleviate, or recover from actual or threatened consequences due to the emergency;

3. 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, Unified Command and/or Incident Commander or to coordinate with other agencies engaged in the emergency work;
4. 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;
5. 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 Portland City Code 15.08.030;
6. 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;
7. Halt the movement of trains, boats or other vehicles into, within or from the City;
8. 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;
9. 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;
10. 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;
11. 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;
12. 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;
13. Order such other measures as may be necessary to protect the life, safety and health

of persons, property or the environment;

14. Adopt rules for the expeditious issuance of permits necessary to address issues that arise from the emergency or disaster;
15. Enter into contracts to the extent authorized by Charter Sections 8-104 and 8-105;
16. Activate emergency plans; and
17. Issue directives that suspend or modify existing bureau or city orders, rules or policies for the duration of the emergency to address or resolve the emergency.

B. The Mayor may delegate any authority vested in the Mayor.

[15.08.025 Authority during a Housing Emergency or Shelter Shortage.](#)

(Added by Ordinance [187370](#); amended by Ordinance [190381](#), effective April 30, 2021.)

- A. Upon the declaration of a housing emergency or shelter shortage by Council, in addition to any other powers that may be exercised by a local government, the Mayor 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; and
 7. Activate emergency plans.
- B. In its 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 waive City Code provisions or administrative rules to the extent necessary to respond to the housing emergency or shelter shortage, provided that, where feasible under the circumstances, Council gives advance notice of waiver of Title 33 provisions.

15.08.030 Declaration of Nuisance.

- A. Debris or wreckage resulting from an emergency is declared to be a nuisance.
- B. The nuisance will 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 will 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 Portland City Code 15.08.020 will 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 control over any conflicting provisions in the Code of the City of Portland.