

1 **ORDINANCE BILL NO. 26-16**

2 AN ORDINANCE AMENDING SRC 2.660 and SRC 2.680; AND DECLARING AN  
3 EMERGENCY

4 *The City of Salem ordains as follows:*

5 **Section 1.** SRC 2.660 is amended to read as follows:

6 **2.660. Creation of Emergency Management Agency; Definitions.**

7 (a) Pursuant to ORS 401.305 there is hereby created within the City an Emergency  
8 Management Agency to be under the direction of the Emergency Program Manager.

9 (b) The Emergency Management Agency shall, in addition to the Emergency Program  
10 Manager, be staffed by such employees of the various departments of the City as may be  
11 designated by the Emergency Program Manager pursuant to the plan adopted pursuant to  
12 SRC 2.675.

13 (c) Except as set forth herein, the definitions set forth in ORS 401.025 apply to terms  
14 used in SRC 2.460-2.480.

15 (1) A “weather event emergency” occurs when circumstances create an immediate  
16 need to provide adequate, safe, and habitable shelter to persons experiencing  
17 homelessness, the Emergency Program Manager may declare that a weather event  
18 emergency exists. A weather event emergency is a health and safety emergency.

19 (i) A “warming/cooling station” is defined as a temporary facility that  
20 operates when temperatures or a combination of precipitation, wind chill, wind and  
21 temperature become dangerously inclement. Their primary purpose is the prevention of  
22 death and injury from exposure to the elements.

23 (ii) A “mass shelter” is defined as a temporary facility that in addition to  
24 the functions of warming/cooling station, provides emergency lodging and/or food for the  
25 duration of a weather event emergency.

26 (2) The declaration of weather event emergency does not:

27 (i) Create any inherent rights for the users or operators of any facilities  
28 authorized by this section; or

29 (ii) Exempt the operator from any other required permits such as  
30 sanitation facility permits or electrical permits.

**Section 2.** SRC 2.680 is amended to read as follows:

**2.680. Emergency Orders.**

(a) Whenever a state of emergency is declared to exist within the City, the Emergency  
Program Manager is empowered to order any of the following measures when necessary  
for public safety or when necessary for the efficient conduct of activities that minimize or  
mitigate the effects of the emergency:

(1) Redirecting City funds for emergency use and suspending standard City  
procurement procedures.

(2) Establishing a curfew which fixes the hours during which all persons other than  
officially authorized personnel may not be upon the public streets or other public  
places.

(3) Prohibiting or limiting the number of persons who may gather or congregate upon

1 any public street, public place, or any outdoor place.

2 (4) Barricading streets, prohibiting vehicular or pedestrian traffic, or regulating such  
3 traffic on any public street leading to the emergency area for such distance as may be  
4 deemed necessary under the circumstances.

5 (5) Mandatory evacuation of persons, which shall be enforceable by peace officers,  
6 fire officials, and firefighters.

7 (6) Curtailing or suspending commercial activity.

8 (7) Such other measures as are necessary for the protection of the public health,  
9 safety or welfare, or for the recovery from the emergency.

10 (b) The City Manager may delegate authority to order the measures described in  
11 subsections (a) (4) and (5) of this section to City personnel in the plan adopted as  
12 provided in SRC 2.675.

13 (c) In the case of a weather event emergency the Emergency Program Manager may:

14 1. Utilize City owned resources;

15 2. Designate persons to coordinate the work of public, private, or nonprofit relief  
16 agencies responding to the housing emergency;

17 3. Provide temporary or permanent housing by purchase, lease or otherwise;

18 4. Order such other measures as may be necessary to protect the life, safety and  
19 health of persons, property or the environment;

20 5. Direct the expeditious issuance of permits necessary to address issues that arise  
21 from the emergency;

22 6. Enter into contracts to the extent authorized by the Salem Revised Code;

23 7. Waive provisions of the Salem Revised Code or City administrative rules to  
24 the extent necessary to respond to the weather emergency; and

25 8. Promulgate rules regarding the location, hours of operation, size, limitation on  
26 the number of persons utilizing the facility, and duration of operation of  
27 warming/cooling stations or mass shelters. In no case may a facility be operated  
28 for more than 90 days without authorization by Council.

29 9. Activate emergency plans.

30 (d) Warming or cooling stations and mass shelters may be allowed notwithstanding  
the standards described in Title X of the Salem City Code as temporary activities  
for the duration of the emergency upon declaration of a weather event emergency.

(e) Within ten days of the date of the order, any person aggrieved by an emergency  
order may request a hearing before the Municipal Court to determine whether  
issuance of the order was an abuse of discretion. The Municipal Court shall hear  
the matter within thirty days of the request for hearing.

(f) Failure to obey an emergency order is a misdemeanor.

**Section 3. Codification.** In preparing this ordinance for publication and distribution, the City  
Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such  
limitations, may:

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- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

**Section 4. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

**Section 5. Emergency Clause.** This act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect from and after the date of its passage.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: D.Atchsion