

**ORDINANCE NO. 831**

**AN ORDINANCE FOR THE PURPOSE OF LICENSING EMERGENCY SHELTERS TO ENSURE THAT EMERGENCY SHELTERS COMPLY WITH ALL APPLICABLE FIRE, LIFE, SAFETY, AND CITY OF MADRAS ZONING ORDINANCE REQUIREMENTS; PROVIDING FOR THE METHOD OF ISSUANCE, REVOCATION, OR SUSPENSION OF LICENSES, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

**WHEREAS**, the City of Madras has identified the need to license emergency shelter providers on an emergency basis to ensure fire, life, safety and all applicable provisions of the City of Madras Zoning Ordinance are satisfied and pursuant to these needs recommends adopting this ordinance.

**NOW, THEREFORE**, the City of Madras ordains as follows:

**SECTION 1:      DEFINITIONS**

For the purpose of licensing emergency shelters in the City of Madras, Oregon, the following definitions apply:

- a) **Church**. A building for individuals to practice common religious beliefs. Examples include churches, synagogues and mosques and accessory uses including but not limited to religious instruction and emergency shelters.
- b) **Emergency Shelter**. A facility providing short-term (non-permanent) transitional housings and shelter for the homeless when a crisis occurs and immediate shelter is needed. Services within Emergency Shelters may be provided including, but not limited to, accommodations, meals, toilet/bathing facilities, clothing/laundry, case management services and information on or referral to other community resources.

**SECTION 2:      PURPOSE**

This ordinance is enacted to ensure all emergency shelters comply with all applicable fire, life, safety and the City of Madras Zoning Ordinance requirements.

**SECTION 3:      LICENSE REQUIRED**

It shall be unlawful for any person or organization to operate an emergency shelter without first obtaining a license from the City of Madras for the current fiscal year.

**SECTION 4: DURATION OF LICENSE**

All emergency shelter licenses under this ordinance are annual and shall expire on June 30. The required application and license fee are due on July 1 of each year for the fiscal year commencing with that date and are delinquent on August 1.

**SECTION 5: LICENSE APPLICATION**

- 1) All emergency shelter licenses required under this ordinance or any other ordinance shall be issued by the City Administrator or designee. The city administrator or designee shall develop an application that all applicants shall complete.
- 2) The City Administrator or designee shall refer each application to the City of Madras Community Development Director, Jefferson County Building Official, and the Jefferson County Fire District Marshal for review. Approval or denial of the application shall be based on the applicant's ability to meet the applicable City of Madras Zoning Ordinance, and fire, life, and safety requirements of each agency. The license may not be granted if any one of the following reviewers cannot approve the emergency shelter license:
  - a) City of Madras Community Development Director or designee; or
  - b) Jefferson County Building Official or designee; or
  - c) Jefferson County Fire District Marshal or designee.
- 3) In the event that each of the reviewers cannot approve an emergency shelter location, the City Administrator or designee shall notify the applicant of the denial and the reasons for denial.

**SECTION 6: UNLAWFUL ACTS**

It is unlawful for any person to willfully make false or misleading statements to the City Administrator or designee to comply with any of the provisions of this ordinance.

**SECTION 7: DELINQUENT LICENSE FEES**

In the event that any person required to obtain a license fails to obtain the license or pay the required fee before it becomes delinquent, the City Administrator or designee shall collect the fee payment with a penalty of ten percent (10%) of the fee payment for each calendar month, or fraction of a month, that the fee payment is delinquent.

**SECTION 8: FEE AMOUNTS**

The City Council may establish, by resolution, a fee for the Emergency Shelter License herein described. Nothing contained in this ordinance may be construed as vesting any right in a license or a contract obligation on the part of the city. Other taxes or fees and the fees provided by City Council resolution may be increased, decreased, or created by the City Council. No person who has received a license and has paid the fee required under this ordinance shall be entitled to any refund.

**SECTION 9: VIOLATIONS**

The conviction of a person for violation of any provision of this ordinance may not serve to relieve the person from paying the fee or penalty for which the person is liable. The payment of any fee may not bar or prevent legal prosecution of a complaint for the violation of any provision of this ordinance.

**SECTION 10: REVOCATION OF LICENSE**

Upon determination that a licensed emergency shelter within the city violates city ordinances or state or federal laws or that the application contains false or misleading information, the City Administrator or designee may revoke the license upon thirty (30) days' notice in writing to the licensee, with the notice delivered to the address of the licensee. The notice shall state the reasons for the revocation.

**SECTION 11: SUSPENSION OF LICENSE**

Upon determining that a licensed emergency shelter presents an immediate danger to persons or property, the City Administrator or designee may suspend the license. The suspension takes effect upon the licensee's receipt of the suspension notice, or upon delivery of the notice to the establishment or the licensee's business address. The notice shall state the reason for the suspension. The City Administrator or designee may continue a suspension as long as the reason for the suspension exists, or until a determination on an appeal regarding the suspension is made.

**SECTION 12: APPEAL**

- 1) Any person whose application for a license has been denied, has been denied renewal, has been suspended or has been revoked, may, within thirty (30) days after the notice of denial, suspension, or revocation is mailed, appeal in writing to the City Council. The appeal shall state:

- (a) The name and address of the appellant.
  - (b) The nature of the determination being appealed.
  - (c) The reason the determination is incorrect.
  - (d) What the correct determination of the appeal should be.
- 2) An appellant who fails to file a statement within the time permitted waives all objections, and relinquishes all rights to appeal. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. At the hearing, the appellant may present testimony and oral argument. The decision of the Council is final.

**SECTION 13: PENALTIES**

Violation of, or failure to comply with any provision of this ordinance is punishable upon conviction by a fine not to exceed \$250 for each day the Emergency Shelter is operated after suspension or expiration of the required license.

**SECTION 14: SEVERABILITY**

The sections of this ordinance are severable. If any section, subsection, sentence, clause or portion of this ordinance is for any reason held invalid or rendered unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

**SECTION 15: EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after its enactment.

**PASSED** by the Council and approved by the Mayor July 27, 2010.