

ORDINANCE NO. 837

AN ORDINANCE WHICH ESTABLISHES A PROCESS FOR INDIVIDUAL PROPERTY OWNERS, ORGANIZATIONS, OR CHURCHES TO OBTAIN A LICENSE AND PRECERTIFICATION OF THEIR FACILITIES AND ALLOWS THEM TO PROVIDE TEMPORARY SHORT-TERM SHELTER TO HOMELESS INDIVIDUALS OR FAMILIES DURING EXTREME COLD WEATHER CONDITIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Madras recognizes the need for homeless individuals or families to be provided with shelter during extreme cold weather conditions; and

WHEREAS, Ordinance No. 837 has been prepared to provide a quick and efficient process for the licensing and precertification of individuals, organizations, or churches, allowing them to house homeless individuals or families when there is an immediate need for shelter due to these extreme weather conditions; and

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

SECTION 1: TITLE

This ordinance shall be known as the City of Madras Cold Weather Emergency Ordinance.

SECTION 2: DEFINITIONS

Administrative Authority - The individual, official, board, department, or agency established and authorized by a city, county, state, or political subdivision created by law to administer and enforce the provisions of a code.

Building Official - Shall mean the Jefferson County Building Official.

Cold Weather Emergency Conditions - When the daily low-temperature is equal to or below 32° Fahrenheit for three or more days during the months of November, December, January, February, and March as determined by the local weather forecast prepared by the National Weather Service.

Community Development Director - Shall mean the Community Development Director for the City of Madras.

Environmental Health Specialist - Shall mean the Jefferson County Environmental Health Department Specialist.

Fire Marshal - Shall mean the Jefferson County Fire Marshal.

Homeless Individual or Family - Includes but is not limited to:

- A. An individual who lacks a fixed, regular, and adequate nighttime dwelling place.
- B. An individual with no home or permanent place of residence.

Licensed, Pre-certified Buildings - A building that has been licensed, and is in compliance with all applicable fire, life, and safety, and City of Madras zoning ordinance requirements.

Temporary Short-Term Shelter - A public or private place not designed for or ordinarily used as regular over-night sleeping and day time accommodations for human beings.

SECTION 3: PURPOSE

To license buildings, as a temporary short-term shelter during extreme cold weather conditions, to those individuals or families that do not have a home.

SECTION 4: LICENSING AND PRECERTIFICATION PROCESS

Property owners, organizations, or churches may make application to the Community Development Department to license a specific building to provide short-term shelter during Cold Weather Emergencies. It is encouraged that all property owners, organizations, or churches make application to the City prior to August 1ST of each year.

The applicant shall provide all necessary information to the City, including but not limited to the name, address, phone number, and number of beds requested for approval.

Such application shall require approval from the Fire Marshal, Building Official, Environmental Health Department Specialist, and Community Development Director.

The Community Development Director shall only approve such application after the Fire Marshal, Building Official, and Environmental Health Department Specialist approvals have been obtained.

The Fire Marshal, Building Official, Environmental Health Department Specialist, and Community Development Director are specifically provided the authority to impose conditions of approval for all licenses issued. It shall be a continual obligation of all property owners obtaining a valid license to maintain compliance with the conditions of approval imposed by the Fire Marshal, Building Official, Environmental Health Department Specialist and Community Development Director.

SECTION 5: DURATION OF VALID LICENSE

Such license to permit property owners, organizations, or churches to open their buildings for housing during Cold Weather Emergencies shall be valid for one-year. Applicants shall be required to seek re-authorization of such license annually.

SECTION 6: LIMITATIONS

All applicants receiving approval from the City shall be limited in the use of the building to provide relief to homeless individuals and families during "Cold Weather Emergencies" as specified by the Fire Marshal, Building Official, Environmental Health Department Specialist, and Community Development Director on the license.

SECTION 7: AUTHORITY TO DECLARE AN EMERGENCY

The City Administrator or their designee is hereby granted administrative authority to declare Cold Weather Emergencies as specified herein.

Such declaration shall provide the time and dates (e.g. start date/ending date) of the "Cold Weather Emergency" which will allow licensed, pre-certified, property owners, organizations, or churches to open their buildings for housing during such declaration.

SECTION 8: NOTIFICATION

When the City Administrator or his designee declares a Cold Weather Emergency, the City Administrator or their designee shall cause notice to be given to all property

owners, organizations, or churches possessing a valid license from the City, that they can immediately open their buildings to individuals or families in need of housing.

SECTION 9: PROPERTY INSPECTIONS

All property owners, organizations, or churches with a valid license under the provisions of this ordinance shall grant authority to the Fire Marshal, Building Official, Environmental Health Department Specialist, and Community Development Director to inspect the property providing shelter to the homeless at any given time to ensure compliance with the terms of such license. The Fire Marshal, Building Official, Environmental Health Department Specialist, and Community Development Director shall not be held liable for trespass for administration of this ordinance.

SECTION 10: REVOCATION OF LICENSE

The City will revoke the license from any property owner, organization, or church for any use not approved by the Fire Marshal, Building Official, Environmental Health Department Specialist, and Community Development Director.

In such case, the City shall notify applicant, in writing, of the revocation of the license.

SECTION 11: REAUTHORIZATION

Such license shall be reauthorized annually. The Fire Marshal, Building Official, Environmental Health Department Specialist, and Community Development Director may deny a reauthorization application for such license if it is determined that the property owner has violated the terms of such license.

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 fifteen (15) 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: CONSTITUTIONALITY CLAUSE

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 constitutionality of the remaining portion thereof.

SECTION 14: CORRECTIONS

This ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

SECTION 15: EMERGENCY CLAUSE

It is hereby determined and declared that existing conditions are such that it is necessary for the immediate preservation of the peace, health, general welfare, and safety of the citizens of the City of Madras that an emergency be declared to exist and this ordinance shall be in full force and effect immediately upon and after its passage by the Council and approval by the Mayor of the City of Madras, Oregon.

Passed by the Council and approved by the Mayor on January 11, 2011.