

ORDINANCE NO. 05-615-O**AN ORDINANCE ESTABLISHING EMERGENCY OPERATIONS PROCEDURES AND AUTHORITY FOR SUMMARY REMEDIAL AND REGULATORY MEASURES FOR THE CITY OF COLUMBIA CITY, OREGON; DECLARING AN EMERGENCY.**

WHEREAS, the City Council of the City of Columbia City is the governing body of the City; and

WHEREAS, ORS 401.015 expressly places primary responsibility for emergency planning and response with local governments; and

WHEREAS, the City Council desires to set forth responsibilities for City Officers and Employees and set forth authority for emergency regulations and actions in a local ordinance adopted pursuant to the City's constitutional and statutory authority to regulate and act to protect public health and safety in the event of an emergency.

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

Section 1. Purpose. The purpose of this Ordinance is to provide for procedures and regulatory measures, which set forth the responsibilities and authority of the City in the event an emergency exists within the City. The regulations are intended to reduce the vulnerability of the City to loss of life, injury to persons or property and human suffering and financial loss resulting from emergencies and to assign authority and responsibilities to various City Officials, Employees and Departments. The State has assigned the responsibility for responding to emergencies to local governments.

Section 2. Emergency. A state of emergency includes any manmade or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or release of oil or hazardous materials as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight infestation, civil disturbance, unrest, sabotage, acts of terrorism, and war.

Section 3. Declaration of State of Emergency.

A. When circumstances so warrant, any City Officer, City Department Head, or Sworn Police Officer, after attempting consultation with the City Attorney, may request the declaration of an emergency from the City Council. The City Council shall consider the request at a regular or

emergency meeting and may declare an emergency in accordance with this section. If the nature of the emergency requires that immediate action be taken and it is not reasonably practicable for an emergency meeting of the Council prior to the time action must be taken, the Mayor may issue the declaration in accordance with this section. In all instances in this Ordinance, in the absence or incapacity of the Mayor, the Council President shall exercise the powers granted to the Mayor, including the declaration of emergency. In Council President's absence or incapacity, any two Council Members may issue the declaration. If two Council Members are unable to act due to absence or incapacity, the City Administrator or the Emergency Manager may exercise local declaration authority. If in the judgment of the Incident Commander, time does not permit access to the others authorized, the Incident Commander may declare a State of Emergency. If the declaration is made by anyone other than a quorum of the City Council in a regular or emergency meeting, the declaration shall be subject to review and revision by the City Council, and the City Council shall convene as soon as practical to ratify the State of Emergency declaration. [Amended by Ord. No. 08-649-O 8/7/08.

B. Such declaration shall be in writing and shall:

1. Describe the nature of the emergency;
2. Designate the geographical boundaries of the area where the emergency is deemed to exist, and that portion of the affected area lying within the City limits;
3. Estimate the number of persons at risk, injured or killed;
4. Identify the type of Federal, State, County and City assistance or resources required to respond to the emergency;
5. Estimate the length of time during which the designated area shall remain in an emergency state; and
6. State the specific regulations or emergency measures imposed as a result of the declaration of emergency.

C. The Council, or other authorized individual specified in paragraph A above, shall have the power to request the Governor to declare a state of emergency or disaster within the City. The request must be submitted through the governing body of Columbia County.

D. The Council, or other authorized individual specified in paragraph A above, shall terminate the state of emergency by proclamation when the emergency no longer exists or when the threat of an emergency has passed, and if the Governor has declared a state of emergency, shall ask the Governor to terminate the declaration.

Section 4. Coordination in a State of Emergency.

A. The City hereby adopts the National Incident Management System (NIMS) as the standard for incident management during all emergency management program elements including mitigation, preparedness, response, and recovery within the City's jurisdiction.

B. Whenever an emergency is declared, the City shall coordinate with and follow applicable Columbia County Emergency Operations Plans. In the event of a declaration, City Department Heads, City Police and City Officers and Employees are authorized without more direction to implement any City emergency preparedness plans and programs in place, to act in cooperation with and in accordance with Columbia County Emergency Operations Plans, and to act in accordance with state statutes, local laws, and emergency regulations and orders, to protect the health and safety of the citizens of the City of Columbia City.

Section 5. Authority of Mayor in a State of Emergency. Whenever an emergency is declared under this Ordinance, the Mayor, or other authorized individual in his absence or incapacity, may authorize specific emergency powers for the duration of the emergency period and the specific areas or portions of the City wherein the emergency is declared to exist and over which the City has authority, consistent with the declaration of emergency as required to protect the public health, safety and welfare, including the following:

A. A curfew may be established for the area designated as an emergency area, which fixes the hours during which all persons, other than public officers and officials, may not be upon the public streets or in other places;

B. Streets and areas may be barricaded and vehicular and pedestrian traffic prohibited or regulated on streets leading to the area designated as an emergency area for such distance as may be deemed necessary under the circumstances;

C. Persons may be evacuated from the emergency area, instructed to shelter in place or given instruction for other protective actions;

D. The Mayor may prohibit or restrict the sale of alcoholic beverages and the sale of gasoline or other flammable liquids;

E. The Mayor may prohibit the sale, carrying, or possession of any weapons or explosives of any kind on public streets, public places or any outdoor place;

F. The Mayor may declare other measures as are imminently necessary under the circumstances for the protection of life or property or to prevent or minimize danger to lives or property.

These powers are specifically delegated to the Mayor when an emergency requiring immediate action exists. Whenever possible, the Mayor shall convene an emergency meeting of the City Council to adopt such emergency measures by Ordinance or Resolution as authorized by ORS 401.309.

Section 6. Authority to enter Property. During an emergency declared under this Ordinance, a City Employee or Agent may enter onto or upon private property, if the person has reasonable grounds to believe there is a true emergency and an immediate need for assistance for the protection of life or property, and that entering onto private land will allow the person to take steps to alleviate the emergency and prevent or minimize danger to lives or property from the declared emergency.

Section 7. Suspension of Procurement Requirements. When an emergency is declared under this Ordinance, and consistent with applicable state law, the Mayor is authorized to suspend the applicable public procurement requirements, and, to the extent sufficient funds are available and budgeted, to redirect City funds to pay expenses incurred as a result of responding to the emergency.

Section 8. Nonliability for emergency services. During the existence of a declared or undeclared emergency, the City and any agent of the City engaged in any emergency services activity, while complying with or attempting to comply with the adopted plan and this Ordinance, shall not, except in cases of willful misconduct, gross negligence or bad faith, be liable for the death or injury of any person, or damage or loss of property as a result of that activity.

Section 9. Penalty for Violation of Emergency Ordinance, Resolution, Measure Order. No person shall knowingly violate any regulation promulgated pursuant to this Ordinance, and imposed in a state of emergency declared under this Ordinance. Violation of an emergency regulation shall be a Class A misdemeanor.

[Section 10. Emergency Clause.]

Passed by the Council on November 3, 2005 and approved by the Mayor on November 4, 2005.