

ORDINANCE NO. 708

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE SECTION 2.44, PROVIDING FOR EMERGENCY SERVICES IN THE EVENT OF AN EMERGENCY; FOR THE ORGANIZATION AND PREPARATION AND EXERCISE OF SUCH SERVICES; FOR THE CREATION OF AN OFFICE OF EMERGENCY MANAGEMENT DIRECTOR; FOR SETTING FORTH THE DUTIES AND AUTHORITY OF SUCH OFFICE; FOR MAKING CERTAIN OFFENSES MISDEMEANORS; AND FOR PRESCRIBING PENALTIES.

WHEREAS, the Stayton City Council recognizes that a major emergency may suddenly and dramatically disrupt available resources and place abnormally high demands on public health, welfare, and safety services; and

WHEREAS, prompt and decisive activation of city government response in extraordinary and traditional manners will be required to minimize loss of life, damage to the environment, and damage to property; and

WHEREAS, an emergency management plan must be in place to contribute to the safety of life, the environment, and property by evaluating data, making necessary decisions, and communicating and implementing those decisions; and

WHEREAS, ORS 401.015(2) declares that preparations for emergencies and governmental responsibilities for responding to emergencies is placed at the local government level; and

WHEREAS, ORS 401.015(2) further states that the state does not assume authority or responsibility for responding to such events unless the appropriate response is beyond the capability of the city in which it occurs; and

WHEREAS, the Stayton City Council finds that it is in the best interests of the city that a plan and organization for the provision of emergency services in the event of an emergency be established; and

WHEREAS, the Stayton City Council finds it necessary to establish the Office of Emergency Management Director, to be appointed by the city administrator, responsible for preparing a plan for the provision of emergency services in the event of a disaster, for conducting necessary training sessions and practice drills, and for coordinating such emergency services during an actual emergency;

NOW, THEREFORE, THE STAYTON CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1: Stayton Municipal Code Section 2.44 is hereby amended to read:

2.44.1010 PURPOSE

The purpose of this section is to protect, through planning, training, and organization, and by authorizing the exercise of emergency powers as prescribed by this title, the lives and property of the citizens of the City of Stayton in the event of disaster.

2.44.1020 DEFINITIONS

EMERGENCY: 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 releases of oil or hazardous material as defined in ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by the county, civil disturbance, riot, sabotage, and war.

EMERGENCY MANAGEMENT: The preparation for and the carrying out of all emergency functions and prevention, minimization, and repair of damage resulting from an emergency; provided, however, that this term does not refer to the functions for which military forces are primarily responsible.

EMERGENCY MANAGEMENT AGENCY: An organization created and authorized under ORS 401.015 to 401.105, 401.260 to 401.325, and 401.355 to 401.580 by the state, county, or city to provide for and assure the conduct and coordination of functions for comprehensive emergency program management.

EMERGENCY MANAGEMENT DIRECTOR: Appointed by the city administrator, the Emergency Management Director is responsible for preparing a plan for the provision of emergency services in the event of a disaster or emergency, for conducting necessary training sessions and practice drills, and for coordinating such emergency services during an actual emergency.

EMERGENCY MANAGEMENT PLAN: The Emergency Response Plan prepared for the City of Stayton.

EMERGENCY OPERATIONS CENTER: The City of Stayton Emergency Operations Center is in the city hall/police department/Santiam Canyon Communications Center building complex. They are located at 362 N. Third Avenue and 364 N. Third Avenue in Stayton. The Emergency Operations Center may be moved by authority of the Emergency Management Director when deemed necessary for safety and/or efficiency of operation.

EMERGENCY SERVICES: Those activities provided by state and local government agencies with emergency operational responsibilities to prepare for and carry out any activity to prevent, minimize, respond to, or recover from an emergency. These activities include, without limitation, coordination, preplanning, training, interagency liaison, fire fighting, oil or hazardous material spill or release clean up

as defined in ORS 466.605, law enforcement, medical health and sanitation services, engineering and public works, search and rescue activities, warning and public information, damage assessment, administration and fiscal management, and those measures defined as "civil defense" in section 3 of the Act of January 12, 1951, PL 81-920 (50 U.S.C. 2252).

2.44.1030 EMERGENCY MANAGEMENT DIRECTOR APPOINTMENT

The city administrator shall appoint an Emergency Management Director.

2.44.1040 POWERS AND DUTIES OF THE EMERGENCY MANAGEMENT DIRECTOR IN PREPARATION FOR AN EMERGENCY

Subject to the direction and control of the city administrator or acting city administrator, the Emergency Management Director shall be empowered as follows:

1. Oversee and provide direction to the emergency management program.
2. Review the emergency management plan and recommend revision as necessary.
3. Activate the emergency operations center when needed.
4. Coordinate city emergency management activities.
5. Conduct exercises to test the plan and the capabilities of the city.
6. Attend timely update briefings with other policy group members when an EOC has been activated.
7. Facilitate training for emergency management personnel.
8. Represent the city in all emergency management activities.
9. Provide liaison with other emergency management offices and with volunteer organizations tasked with emergency responsibilities.
10. Carry out other specific responsibilities listed in plan.

2.44.1050 AUTHORITY OF THE EMERGENCY MANAGEMENT DIRECTOR IN THE EVENT OF AN EMERGENCY

Subject to the supervision and control of the city administrator or acting city administrator, the Emergency Management Director shall be empowered during an emergency as follows:

1. To obtain vital supplies, equipment, and such other requirements as may be necessary for the protection of life and property and to bind the City of Stayton

for the fair value thereof and, if necessary, to immediately commandeer the same for public use. These powers may be exercised in light of the circumstance of extreme emergency situations without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) including, but not limited to, budget law limitations, the requirements of competitive bidding, the publication of notices, entering into public works contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the expenditure of public funds.

2. To requisition necessary personnel and/or material of any of the city's departments or agencies.
3. To require the emergency services of any city officer or employee, and, after the declaration of an emergency pursuant to ORS 401.015 to ORS 401.580 to command the aid of as many citizens as are necessary; provided, however, that such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered emergency service volunteers as provided in ORS 401.355 to ORS 401.465.

2.44.1060 EMERGENCY MANAGEMENT PLAN

The Stayton City Council shall adopt an Emergency Management Plan by separate resolution.

2.44.1070 DECLARATION OF EMERGENCY

1. The Stayton City Council may declare a state of emergency and request emergency services and assistance from local, state, and federal agencies. A declaration of emergency shall be communicated to Marion County pursuant to ORS 401.055.
2. In the event a quorum of the Stayton City Council cannot be assembled within a reasonable time, the authority to declare an emergency is hereby delegated first to the mayor, then to the council president, and then to the city administrator. If the city administrator is unable to act due to absence or incapacity, then the acting city administrator, then the emergency management director is hereby granted the authority to declare an emergency.
3. If the declaration of emergency is made by anyone other than the city council, then the council shall convene as soon as practicable to ratify the state of emergency.
4. The declaration of a state of emergency must include:
 - a. A description of the situation and the existing conditions; and

- b. Delineation of the geographic boundaries of the emergency; and
- c. Declaration that all appropriate resources have been expended by the city; and
- d. A request for assistance.

2.44.1080 VIOLATIONS

The following offenses shall be punishable as misdemeanors by a fine not to exceed Five Hundred Dollars (\$500.00) and/or by imprisonment not to exceed ninety (90) days.

- 1. No person shall willfully obstruct, hinder, or delay any member of the Emergency Management Organization in the enforcement of any lawful rule or regulation issued pursuant to this section, nor in the performance of any duty required by this section.
- 2. No person shall wear, carry, or display, without authority, any means of identification as specified by the State Department of Emergency Services and/or which would be likely to mislead a member of the public into believing that such person is a member of the Emergency Management Organization.

2.44.1090 IMMUNITY FROM PRIVATE LIABILITY

There shall be no liability on the part of any person, partnership, corporation, the State of Oregon, or any political subdivision thereof who owns or maintains any buildings or premises that have been designated by the disaster coordinator as a disaster shelter for any injuries sustained by any person while in or upon said building or premises as a result of the condition of said building or premises or as a result of any act or omission, or in any way arising from the designation of such premises as a shelter provided such person has entered, gone upon, or into said building or premises for the purpose of seeking refuge therein during an emergency; provided, however, that this section shall not apply to the willful act of such owner or occupant or his servants, agents, or employees. This section shall also apply to any practice drill authorized pursuant to this section.

2.44.2000 SEVERABILITY

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

SECTION 2: This ordinance shall be in full force and effect thirty (30) days after execution by the Mayor of the City of Stayton.


PASSED BY THE STAYTON CITY COUNCIL this 20th day of July, 1992.

Date: 7-22-92

By: 
WILLMER VAN VLEET, Mayor

ATTEST

Date: 7-22-92

By: 
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Date: JUL 02 1992

By: 
DAVID A. RHOTEN, City Attorney

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