

ORDINANCE NO. 776

AN ORDINANCE ESTABLISHING POLICIES AND PROCEDURES FOR EMERGENCY PLANNING; DEFINING EMERGENCY; ESTABLISHING SUCCESSION OF AUTHORITY AND PROVIDING FOR PENALTIES FOR VIOLATION OF THE ORDINANCE.

WHEREAS, this matter coming before the Canby City Council at this time and it appearing that there is a need to define the authority and responsibility for planning for and responding to an emergency and to define the process for declaration of an emergency within the City of Canby; and

WHEREAS, it further appearing to the Council that it would be in the best interest of the City of Canby to so describe emergency authorities, responsibilities and processes; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Title. This ordinance shall be known as the Emergency Ordinance and may be so cited and pleaded and is referred to herein as "this Ordinance".

Section 2. Purpose. The purpose of this Ordinance is to define the authority and responsibility for emergency planning, to provide a procedure to minimize injury to persons and property and to preserve the established civil authority in the event a state of emergency exists within the City of Canby.

Section 3. Definition of Emergency. For the purposes of this ordinance, emergency is defined as any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, human suffering, or financial loss to the extent that extraordinary measures must be taken to protect the public health, safety and welfare. Such events shall include, but not be limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills of oil or other hazardous substances, disease, blight, infestation, utility or transportation service disruptions, civil disturbance, riot, sabotage and war.

Section 4. Authority of City. Under the provisions of ORS 401, the authority and responsibility to organize for and respond to emergency situations is vested in each political subdivision of the State. ORS 401 further authorizes the governing body or executive officer of each city to establish an emergency management agency to perform emergency program management functions, to include, but not limited to, program development, fiscal management, coordination with nongovernmental agencies and organizations, public information, personnel training and development and implementation of exercises to test the system.

Section 5. Declaration of Emergency. When, in the judgement of the City Council, a state of emergency exists, they shall declare in writing and publicize the existence of same. If circumstances prohibit the timely action of the City Council, the Mayor may declare a state of emergency provided that the approval of a majority of the City Council is sought and obtained at the first available opportunity.

Upon the declaration, the Mayor is empowered to assume centralized control of and have authority over all departments, divisions, and offices of the City of Canby in order to implement the provisions of this ordinance. The state of emergency declared pursuant to this section shall specify the area(s) which warrant the exercise of emergency controls. The Mayor shall terminate the state of emergency when the emergency no longer exists or the threat of an emergency has passed.

Section 6. Succession of Authority. In the event that the Mayor is unavailable or unable to perform his/her duties under this ordinance, the duties shall be performed by:

1. Council President
2. City Administrator
3. Chief of Police

All references to the Mayor in this ordinance shall be deemed to refer to the successor referred to in this section.

Section 7. Regulation and Control. Whenever a state of emergency has been declared to exist within the City of Canby, the City Council is empowered to order and enforce the measures listed herein below. However, if circumstances prohibit the timely action of the City Council, the Mayor may order the following measures provided that approval from a majority of the City Council is sought and obtained at the first available opportunity, or the Mayor's order will become null and void.

- A. Establish a curfew for the area designated as an emergency area which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places.
- B. Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place within the area designated as an emergency area.
- C. Barricade streets and roads, as well as access points onto streets and roads, and prohibit vehicular or pedestrian traffic, or restrict as an emergency area for such distance or degree of regulation as may be deemed necessary under the circumstances.
- D. Evacuate persons from the area designated as an emergency area.
- E. Close taverns or bars and prohibit the sale of alcoholic beverages throughout the City of Canby or a portion thereof.

- F. Commit to mutual aid agreements.
- G. Suspend standard procurement procedures to obtain necessary services and/or equipment.
- H. Redirect funds for emergency use.
- I. Order such other measures as are found to be immediately necessary for the protection of life and/or property.

Section 8. Acquisition of Resources. Under this section, the City Council is authorized to extend government authority to non-governmental resources (i.e., personnel, equipment) which may support regular government forces during an emergency and may enter into agreements with other public and private agencies for use of resources. When real or personal property is taken under power granted by this section, the owner of the property shall be entitled to reasonable compensation.

Under the provisions of ORS 401, state resources are available when the appropriate response to an emergency is beyond the capability of the city and county in which it occurs, the city or county fails to act, or the emergency involves two or more counties and the Governor determines that lack of coordination is hampering the effectiveness of response to the emergency.

Whenever a state of emergency has been declared to exist within the City of Canby, county resources also must be committed prior to the Governor declaring a state of emergency by proclamation at the request of the county governing body.

Section 9. Penalty.

- A. Any person, firm, corporation, association or entity who violates any emergency measure taken by the City Council under authority of this ordinance shall be subject, upon conviction, to a fine of not more than \$1,000.00 per offense.
- B. Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.
- C. Where the Oregon Revised Statutes provide for a penalty for the act, commission or omission, the penalty prescribed herein shall be no greater than prescribed by said Oregon Revised Statutes.

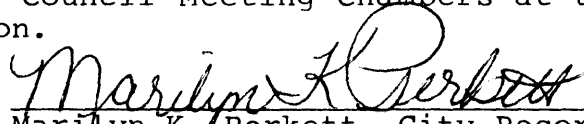
Section 10. Responsibility for Emergency Program Management. For the purposes of this ordinance, the Chief of Police shall be responsible for managing the City's Emergency Program. Specific duties shall include, but not be limited to, the following:

- A. To develop, update and revise the City of Canby's Basic Emergency Operation Plan.


- B. To coordinate the activities of City departments and other agencies with emergency services capabilities in the development of individual operational annexes to the Basic Plan.
- C. To provide for the coordination of emergency plans, programs, and operations with the county, neighboring jurisdictions, and other public and private agencies with emergency services responsibilities.
- D. To develop working agreements with the county, neighboring jurisdictions, and service districts to assure coordinated response to an emergency in the City of Canby.
- E. To provide for the procurement of personnel, equipment, materials and supplies from higher authority, and for the accounting thereof for use in the event of a declared emergency.
- F. To provide for coordinated operations under simulated emergency conditions.
- G. To recommend to the Council any ordinances, policies, or procedures which would assist the Council and other City officials in the performance of their duties in preparing for, responding to, and recovering from an emergency.

Section 11. Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by a 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.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on August 21, 1985; ordered posted as required by the Canby City Charter and scheduled for second reading thereof on, September 4, 1985, commencing at the hour of 7:30 o'clock p.m., at the Council Meeting Chambers at the Canby City Hall in Canby, Oregon.


 Marilyn K. Perkett, City Recorder

PASSED on final reading of the Canby City Council at a regular meeting thereof held on the 4th day of September, 1985, by the following vote: YEAS 5 NAYS 0


 William F. Pulver, Mayor

ATTEST: -

 Marilyn K. Perkett, City Recorder