



**ORDINANCE 2009-006**

**AN ORDINANCE ADDING A NEW CHAPTER 2.38 "EMERGENCY CODE" TO THE SHERWOOD MUNICIPAL CODE**

**WHEREAS**, the City has a need to set out in the Sherwood Municipal Code the protocols the City would use and the powers that could be exercised in the event there was an emergency and a declared state of emergency was deemed to be necessary.

**NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:**

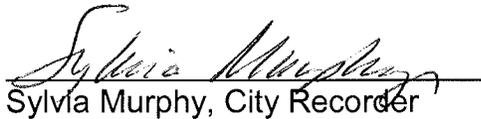
**Section 1.** The Sherwood Municipal Code is hereby amended by adding a new Chapter 2.38 which is to read as set out in Exhibit A attached hereto.

**Section 2.** This ordinance shall be effective 30 days after its enactment by the City Council and approval by the Mayor.

**Duly passed by the City Council this 16<sup>th</sup> day of June 2009.**

  
 \_\_\_\_\_  
 Keith S. Mays, Mayor

Attest:

  
 \_\_\_\_\_  
 Sylvia Murphy, City Recorder

	Aye	Nay
Folsom	<u>Absent</u>	_____
Clark	<u>✓</u>	_____
Weislogel	<u>✓</u>	_____
Henderson	<u>✓</u>	_____
Grant	<u>✓</u>	_____
Heironimus	<u>✓</u>	_____
Mays	<u>✓</u>	_____

## **Exhibit A**

### **CHAPTER 2.38 EMERGENCY CODE.**

#### **2.38.010 Emergency Authority**

This Chapter may be referred to as the "Emergency Code."

#### **2.38.020 Purpose**

This Chapter is designed to provide direction for the City, its officials and others consistent with the City's Charter and ORS 401.305 to ORS 401.335 (2009) in the event an emergency or disaster exists within the City. The regulations are intended to reduce the risk of the City, its residents and the public at large to loss of life, injury to persons, damage to property or to the environment.

#### **2.38.030 Definitions**

- A. "City Manager" or "Manager" is that person designated by Council to act as the administrative head of the city government and to exercise the authority under this Chapter and Section 33 of the Charter. In the event the incumbent City Manager is unavailable for any reason to exercise the authority under this Chapter and Section 33 of the Charter, the individuals acting in the following positions shall be deemed City Manager in the following order of succession:
  - 1. Assistant City Manager;
  - 2. Public Safety Director;
  - 3. Chief of Police;
  - 4. Public Works Director; and then
  - 5. Community Development Director
- B. "Disaster" means an occurrence or threat of imminent widespread or severe damage, injury, loss of life or property damage regardless of cause which in the determination of the City Manager causes or will cause significant damage as to warrant disaster assistance from resources other than the City's to supplement the efforts and available City resources to alleviate the damage, loss, hardship or suffering caused.
- C. "Emergency" means a human created or natural event or circumstance that causes or threatens widespread:
  - 1. Loss of life;
  - 2. Injury to persons or property;
  - 3. Human suffering; or
  - 4. Financial loss.
- D. "State of Emergency" means a situation meeting the definition of Emergency and proclaimed in writing by the City Manager. If the Manager is unavailable to make the proclamation, it may then be made by the Incident Commander and confirmed in writing by a member of the City Council in the following successive order:
  - 1. the Mayor; and if he/she is unavailable then by
  - 2. the current President of the Council; and if he/she is unavailable

3. then successively through the Council in the order of each member came on to the Council. In the event the incumbent City Manager is unavailable at the inception or during the course of the Emergency, the person making the Declaration shall have the authority to exercise the Manager until such time as the Council selects another person to act in that capacity.

**2.38.040 Declaration of Emergency**

- A. A State of Emergency exists when:
  1. The situation requires a coordinated response beyond that which occurs routinely;
  2. The required response cannot be achieved solely with the added resources acquired through mutual aid or cooperative assistance agreements; and
  3. a written proclamation consistent with 01.030 has been made.
- B. The Declaration of Emergency shall be:
  1. in writing;
  2. designate the geographic boundaries in which the state of emergency exists; and
  3. shall fix the duration of time in which the state of emergency shall exist.

The Declaration shall be effective for no longer than a two -week period but it may be extended for additional one -week increment(s) in the event that an Emergency continues to exists and must be made prior to requesting resources through Washington County.
- C. The City Manager or the Mayor shall have the power to request the Governor declare a state of emergency within the City. The request must be submitted in writing through Washington County.
- D. Once a State of Emergency has been declared, the Manager shall have authority to take such actions and issue such written orders as deemed by him/her to be necessary and prudent to protect the public's health and safety as well as to protect both private and public property within and without the City. The exercise of any authority herein shall be done so as to be consistent with the most current edition of the City's Emergency Management Plan. Included, but not limited to, the actions and orders permitted above are the following:
  1. Establishing curfew(s) for area(s) subject to the declaration, including hours of operation for businesses and other establishments;
  2. Mandating the evacuation of residents and other individuals from structures or areas;
  3. Prohibiting, or regulating the number of persons gathering or congregating on any public property or outdoor space within the area subject to the declaration;
  4. Closing or restricting the use of public roads and streets within or leading to or from the area subject to the declaration;
  5. Restricting or prohibiting the sale of products deemed dangerous, including but not limited to alcohol, flammable liquids and explosives;
  6. Declaring and ordering the abatement of nuisances, including damaged structures;

7. Waiving or modifying rules governing purchasing, execution of contracts and authorizing expenditures;
  8. Suspending or modifying personnel rules;
  9. Imposing new fees, waiving or modifying fees;
  10. Prohibiting or restricting the possession of weapons to the extent permitted by law;
  11. Restricting or regulating commercial activity to the extent permitted by law.
- E. The City Manager shall terminate the state of emergency by written proclamation when the emergency no longer exists or when the threat of an emergency has passed.