

**BEFORE THE CITY COUNCIL FOR THE
CITY OF ADAIR VILLAGE, OREGON**

In the Matter of Adopting an Ordinance)
Establishing the City of Adair Village)
Municipal Code Chapter 45)
Emergency Management)

ORDINANCE 2017 - #2

WHEREAS, recent events in the State of Oregon, and in these United States of America, demonstrate the importance of advance planning and of having delegated authority in place in the event of a disaster or other emergency,

NOW, THEREFORE, THE CITY OF ADAIR VILLAGE ORDAINS AS FOLLOWS:

Section 1. The City of Adair Village Municipal Code, chapter 45, is hereby amended to read as follows:

Chapter

EMERGENCY MANAGEMENT

- 45.16.010 Purposes
- 45.16.020 Emergency defined
- 45.16.030 Emergency Program Manager
- 45.16.040 Powers and Duties of the Emergency Program Manager
- 45.16.050 Emergency Operations Planning Team
- 45.16.060 Powers and Duties of the Emergency Operations Planning Team
- 45.16.070 Emergency Organization - Composition
- 45.16.080 Expenditures
- 45.16.090 Violations - Penalties

45.16.010 Purposes. The declared purposes of this chapter are to: (1) provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency management organization; and the coordination of the emergency functions of this City with all other public agencies, corporations, organizations and affected private persons; and (2) implement the provisions of ORS Chapter 401.

45.16.020 Emergency Defined. As used in this chapter, “emergency” means any man made 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, contamination by the county, civil disturbance riot, sabotage or war.

45.16.030 Emergency Program Manager. The City Administrator is hereby designated as the City of Adair Village Emergency Program Manager. (1) The Emergency Program Manager may appoint an Emergency Management Coordinator to serve as his/her deputy and to coordinate the preparation of the Emergency Management Plan and operation of the City Emergency Operations Center. (2) The City Emergency Program Manager shall be responsible for the development of the City Emergency Plan which shall provide for the effective mobilization of all of the resources of the City, both public and private, to meet any condition constituting a local emergency, and shall provide for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

45.16.040 Powers and Duties of the Emergency Program Manager. The Emergency Program Manager is empowered to:

(1) Request the City Council to proclaim the existence or threatened existence of a “local emergency” or to issue such proclamation if the City Council is not reasonably available - whenever a local emergency is proclaimed by the Emergency Program Manager, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect.

(2) Request the Governor, in accordance with the County, to proclaim a “state of emergency” when, in the opinion of the Emergency Manager, the locally available resources are inadequate to cope with the emergency.

(3) Control and direct the effort of the emergency organization of the City for the accomplishment of the purposes of this Act.

(4) Direct cooperation between and coordination of services and staff of the emergency organization or this City, and resolve questions of authority and responsibility that may arise between them.

(5) Represent this City in all dealings with the public or private agencies on matters pertaining to emergencies as defined in this Act.

(6) In the event of the proclamation of a “local emergency” as provided in this section, the proclamation of a “state of emergency” by the Governor or the existence of a “state of war emergency,” the Emergency Program Manager is empowered, to the extent lawfully permissible:

(a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency. Provided, however, such rules and regulations must be confirmed at the earliest practicable time by the City Council.

(b) To obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use;

(c) To require emergency services of any city officer or employee and, in the event of the proclamation of a “state of emergency” in Benton County or the existence of a “state of war emergency,” to command the aid of as many citizens of this community as he/she deems necessary in the execution of his/her duties; such persons shall be entitled

to all privileges, benefits and immunities as are provided by state law for registered emergency service workers;

(d) To requisition necessary personnel or material of any City department or agency; and

(e) To execute all of his/her ordinary power as City Administrator, all of the special powers conferred upon him/her by this Act or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him/her by ORS Chapter 401, by any agreement approved by the City Council, and by any other lawful authority.

45.16.045 Powers of Mayor. The mayor shall have the same powers defined in 45.16.040 as the Emergency Program Manager including, but not limited to declaring an emergency.

45.16.050 Emergency Operations Planning Team. The Emergency Operations Planning Team may be created and shall consist of at least five representatives as designated by the City Emergency Program Manager.

45.16.060 Powers and Duties of the Emergency Operations Planning Team. The Emergency Operations Planning Team shall, under the supervision of the Emergency Program Manager, develop emergency plans and manage the emergency programs of this City, and shall have such other powers and duties as may be assigned by the Emergency Program Manager.

45.16.070 Emergency Organization - Composition. All officers and employees of this City together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of the City.

45.16.080 Expenditures. Any expenditures made in connection with emergency activities, including mutual-aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

45.16.090 Violations - Penalties. It shall be a misdemeanor, punishable under the general penalty section provided in _____, for any person during an emergency to:

(1) Willfully obstruct, hinder or delay any member of an emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Act, or in the performance of any duty imposed upon him/her by virtue of this Act.

(2) Do any act forbidden by any lawful rule or regulation issued pursuant to this Act, if the act is of such nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives and property of inhabitants of this City, or to prevent, hinder or delay the defense or protection thereof.

Section 2. Effective Date. Passed by the City Council and approved by the Mayor of the City of Adair Village on the 7th day of February, 2017 this amendment shall become effective 30 days after enactment.

City of Adair Village, Oregon, February 7, 2017

CITY OF ADAIR VILLAGE

MAYOR

CITY ADMINISTRATOR

First Reading: January 3, 2016

Second Reading: February 7, 2017