

## ORDINANCE NO. 85-1010

AN ORDINANCE DEFINING AUTHORITY AND RESPONSIBILITY FOR PLANNING FOR AND RESPONDING TO AN EMERGENCY AND DEFINING THE PROCESS FOR DECLARATION OF AN EMERGENCY WITHIN THE CITY OF OREGON CITY

WHEREAS, it appears 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 Oregon City, and

WHEREAS, it further appears it would be in the best interests of the City of Oregon City to so describe emergency authorities, responsibilities and processes, now therefore

OREGON CITY DOES ORDAIN AS FOLLOWS:

### Section 1. TITLE:

This Ordinance shall be known as the EMERGENCY ORDINANCE and may be so cited and pleaded.

### 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.

Under the provisions of ORS Chapter 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 Oregon City, 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 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 Chapter 401 and the City Charter, the authority and responsibility to organize for and respond to emergency situations is vested in each political subdivision of the state. ORS Chapter 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 non-governmental 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 judgment of the City Commission a state of emergency exists, it shall declare in writing and publicly announce the existence of same. If circumstances prohibit the timely action of the City Commission, the Mayor may declare a state of emergency, provided that the approval of a majority of the City Commission is sought and obtained at the first available opportunity.

Upon that declaration, the Mayor is empowered to assume centralized control of and have authority over all departments, divisions and offices of the City in order to implement the provisions of this Ordinance.

The state of emergency declared pursuant to this section shall specify the areas(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:

- (A) President of the City Commission.
- (B) City Manager.

All references to 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, the City Commission is empowered to order and enforce the measures listed below. However, if circumstances prohibit the timely action of the City Commission, the Mayor may order the following measures, provided that approval of a majority of the City Commission is sought and obtained at the first available opportunity. Failure to obtain such approval shall render the Mayor's order 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 in 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 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 Commission 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 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.

#### Section 9. PENALTY:

- (A) Any person, firm, corporation, association or entity who violates any emergency measure taken by the City Commission under authority of this Ordinance shall be subject upon conviction to a fine of not more than \$300 per offense.
- (B) Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.

#### Section 10. RESPONSIBILITY FOR EMERGENCY PROGRAM MANAGEMENT:

For the purposes of this Ordinance the City Commission shall appoint an emergency program manager who shall be responsible for managing the City's emergency program. Specific duties shall include but not be limited to the following:

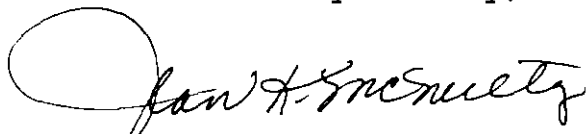
- (A) To develop, update and revise the City's Basic Emergency Operations Plan.
- (B) To coordinate the activities of City departments and other agencies with emergency services capabilities in the development of individual operational annexes to the Basic Plan.
- (C) To provide for the coordination 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.
- (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 Commission any ordinances, policies or procedures which would assist the Commission and other City officials in the performance of their duties in preparing for, responding to and recovering from an emergency.

Section 11. SEPARABILITY:

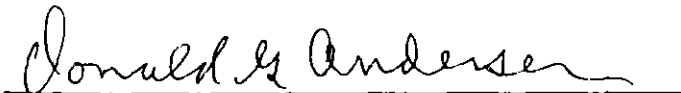
If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the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

Read first time at a regular meeting of the City Commission held on the 3rd day of July, 1985, and the foregoing ordinance was finally enacted by the City Commission this 3rd day of July, 1985.



JEAN K. McNULTY, City Recorder

ATTESTED this 3rd day of July, 1985.



DONALD G. ANDERSEN, Mayor



**CITY OF OREGON CITY**

INCORPORATED 1844

FOR AGENDA

DATED

July 3, 1985

## COMMISSION REPORT

Page 1 of 2

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Proposed Ordinance No. 85-1010, An Ordinance Defining Authority and Responsibility For Planning For and Responding To an Emergency and Defining The Process For Declaration of an Emergency Within The City of Oregon City. Report No. 85-66

On the July 3, 1985 agenda, there is proposed Ordinance No. 85-1010 (copy attached) which shall be known as the "Emergency Ordinance" and defines 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.

In August, 1984, representatives from the City of Oregon City Fire and Police Departments, City of Gladstone Fire and Police Departments and the County of Clackamas began constructing an emergency ordinance and began compiling an emergency operations plan that would be "generic" in nature so that cities within Clackamas County could establish, via individual ordinances, professional emergency management. Finalization of the emergency operations plan has not been completed.

The intent of establishing "generic" emergency management is to standardize procedures of each city. This allows the various city and county departments to function together. Proposed Ordinance No. 85-1010 has been approved by the City Attorneys for Oregon City, Gladstone, and West Linn and is in keeping with the standards and recommendations set by the State of Oregon Emergency Management Division as well as the Federal Emergency Management Agency. The proposed ordinance, in the time of an emergency, provides clear authority for declaration, regulation and control acquisition of resources and penalties and establishes responsibility for emergency program management.

The City of Gladstone will be considering their ordinance at their July 9, 1985 Council meeting; the City of West Linn approved their ordinance at their June 26, 1985 Council meeting; and, Clackamas County Emergency Management has referred an ordinance to County Counsel with no date set as yet for County Commission consideration.



**CITY OF OREGON CITY**  
INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS


FOR AGENDA  
DATED  
July 3, 1985

Page 2 of 2

Subject: Proposed Ordinance No. 85-1010, An  
Ordinance Defining Authority and  
Responsibility For Planning For and  
Responding To an Emergency and Defining The Process  
For Declaration of an Emergency Within The  
City of Oregon City.

Report No. 85-66

Notice of proposed Ordinance No. 85-1010 has been posted at City Hall, 320 Warner-Milne Road; Clackamas County Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. Based on the above information, it is recommended that first reading be approved; that second reading be called and approved for final enactment on July 3, 1985 to become effective August 2, 1985.



NOEL J. KLEIN  
City Manager

jkm  
Attach.  
cc:

All Department Directors

N O T I C E

NOTICE IS HEREBY GIVEN that proposed ORDINANCE NO. 85-1010, of the City of Oregon City, Clackamas County, Oregon, is available for public inspection at the office of the City Recorder, 320 Warner Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on the 3rd day of July, 1985, at the hour of 8:00 o'clock p.m. The title of said Ordinance is as follows:

AN ORDINANCE DEFINING AUTHORITY AND RESPONSIBILITY  
FOR PLANNING FOR AND RESPONDING TO AN EMERGENCY AND  
DEFINING THE PROCESS FOR DECLARATION OF AN  
EMERGENCY WITHIN THE CITY OF OREGON CITY

POSTED this 26th day of June, 1985, by direction of the City Recorder. Places of posting are as follows:

1. City Hall, 320 Warner Milne Road, Oregon City, Oregon.
2. Clackamas County Courthouse, 807 Main Street, Oregon City, Oregon.
3. Senior Center, 615 - 5th St., Oregon City, Oregon.

JEAN K. McNULTY, City Recorder

DO NOT REMOVE PRIOR TO JUNE 28, 1985