**CHAPTER 94: EMERGENCY MANAGEMENT**

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 **94.01 INTRODUCTION**

In accordance with ORS chapter 401.305-401.315, the City hereby establishes an Emergency Management Program.

(A) The City Council shall be responsible for setting policy direction for the Emergency Management Program as specified in these regulations and through the adoption of an Emergency Management Plan.

(B) The City Council shall designate a Director of Emergency Management, who shall be responsible for the organization, administration, and operation of the Emergency Management Program during a declared emergency, as provided in subsection 94.06.

**94.02 PURPOSE**

The purposes of the City’s Emergency Management Program are to:

(A) Prepare and implement plans for the protection of persons and property within the City in the event of an emergency;

(B) Direct of the emergency management process as defined in the City’s Emergency Management Plan; and

(C) Coordinate the emergency functions of the City with all other public agencies and affected private persons, corporations, and organizations.

(D) Coordinate with the Office of Emergency Management to integrate effective practices in emergency preparedness and response as provided in the National Incident Management System established by the Homeland Security Presidential Directive 5 of February 28, 2003.

**94.03 DEFINITIONS**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Director of Emergency Management:** The individual named by the City Council to develop and carry out Emergency Management Plan.

**Emergency Management Plan:**  The plan that provides for the effective mobilization of all of the resources of the City, both public and private, to meet any condition constituting an emergency, state of emergency, or state of war emergency, and for the organization, powers and duties, services, and staff of the Emergency Management Program. The City Council shall adopt the Emergency Management Plan by resolution, and may amend the plan to reflect changes in federal or state law, and lessons learned in exercises or real events.

**Emergency Management Program:**  All the tasks and activities necessary to develop and implement the Emergency Management Plan, in order to prevent or reduce the impact of emergency or disaster conditions, including but not limited to developing procedures and policies; fiscal management; coordinating with nongovernmental agencies and organizations; coordinating communications and alert and notifications and a public information system; training personnel; and implementing exercises to routinely test the Emergency Management Plan.

**Local Emergency**: Exists whenever the City or an area therein is suffering, or is in imminent danger of suffering, an event that may cause injury or death to persons, or damage to or destruction of property, to the extent that extraordinary measures must be taken to protect the public health, safety, and welfare. Such an event shall include but not be limited to the following: 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, civil disturbance, riot, sabotage, terrorist attack, and war.

**94.04 EXECUTIVE RESPONSIBILITIES; SUCCESSION**

(A) The City Council is responsible for setting policy direction for emergency management through the adoption of an Emergency Management Plan, and for declaring or ratifying a declaration of an emergency as provided in Code Section 94.07

(B) If a declaration of local emergency occurs, all executive responsibilities and powers of the City and this chapter shall be assigned to the Mayor. The Director of Emergency Management will act as the primary advisor to the Mayor and retain operational control of the emergency. If the Mayor, for any reason, is unable or unavailable to perform the duties identified under this chapter, the duties shall be performed in the following order of succession:

(1) Mayor

(2) Council President

(3) Director of Emergency Management

**94.05 NATIONAL INCIDENT MANAGEMENT SYSTEM ADOPTED**

The City adopts the principles and policies of the National Incident Management System (NIMS) as the foundation for its incident command, coordination, and support activities.

(A) A core component of NIMS is the Incident Command System (ICS). The city will utilize ICS to manage major emergencies and disaster operations within its jurisdiction.

(B) City staff responsible for managing and/or supporting major emergency and disaster operations will be provided appropriate training on NIMS and its core components.

**94.06 DIRECTOR OF EMERGENCY MANAGEMENT; RESPONSIBILITIES**

The Director of Emergency Management shall be responsible for administration of the City’s Emergency Management Program. Specific duties shall include, but not be limited to, the following:

(A) Developing and updating the City’s Emergency Management Plan;

(B) Requesting City Council to ratify a declaration of emergency;

(C) Coordinating planning among City departments and other emergency services agencies;

(D) Overseeing an Emergency Management Committee that will review the Emergency Action Plan at least bi-annually. The committee shall include representatives from the East Umatilla Health District, East Umatilla County Rural Fire Protection District, and two others appointed by the City Council;

(E) Coordinating exercises under simulated emergency conditions; and

(F) Recommending to the City Council any ordinances, policies, or procedures which would assist the City Council and staff to prepare for, respond to, and recover from an emergency.

**94.07 LOCAL EMERGENCY; DECLARATION; RATIFICATION**

(A) The Mayor, or, if the Mayor is unavailable, the Director of Emergency Management, may declare a state of emergency as provided in this subsection when:

(1) An emergency requires a coordinated response beyond that which occurs routinely;

(2) Implementation of specific local measures are indicated in order to protect life or property; and

(3) The required response is not achievable solely with the added resources acquired through mutual aid or cooperative assistance agreements,

(B) Before taking further action, the person declaring the emergency shall, if possible, document the date of the declaration and the reason for the emergency in writing. If documentation is not feasible before taking the action, the emergency shall be documented as soon as possible following declaration of the emergency. Upon declaring the emergency, the person so declaring may:

1. Request assistance from the Umatilla County;

(2) In cooperation with the county, request assistance from the state of Oregon, including requesting that a declaration of a state of emergency be made by the Governor, in order to receive federal disaster assistance.

(C) As soon as feasible after declaring the emergency, the person calling the emergency shall call a special meeting of City Council to ratify the declaration. The formal declaration shall state the following:

(1) The nature of the emergency;

(2) Location or geographic area affected;

(3) Description of emergency conditions or threat;

(4) Description of damage or potential damage, if any;

(5) Specific measures to be taken to further protect lives and properties;

(6) The duration of time during which the area so designated shall remain an emergency area; and

(7) Specific emergency measures recommended by the Mayor or Director of Emergency Management for the duration of the emergency period.

(D) In addition, the declaration may authorize additional specific emergency powers for the duration of the emergency period. If the declaration requests assistance it should include:

1. Resources committed and actions initiated by the City to alleviate the situation;
2. The type of county/state assistance and/or resources required.
3. A statement requesting the Governor to declare a state of emergency and requesting a presidential declaration if warranted; and

(E) Upon that declaration, the Director of Emergency Management shall be empowered to assume control of and have authority over all departments, divisions, and offices of the City in order to implement the provisions of the Emergency Management Program.

(F) By majority vote, the City Council may extend the period of emergency when required, and shall terminate the state of emergency when the emergency no longer exists.

**94.08 DECLARATION OF EMERGENCY; PROCEDURES**

(A) During a declared emergency, the Mayor, Director of Emergency Services, or other designee may order the following measures in the interest of the public health, safety, or welfare, in the area designated as an emergency area:

(1) Establish a curfew that fixes the hours during which all other than officially authorized personnel may be upon the public streets or other public places.

(2) Prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place.

(3) Barricade streets and prohibit vehicular or pedestrian traffic, or regulate the traffic on any public street leading to the emergency area for such distance as necessary under the circumstances.

(4) Evacuate persons.

(5) Close taverns or bars and prohibit the sale of alcoholic beverages.

(6) Prohibit or restrict the sale of gasoline or other flammable liquids.

(7) Prohibit the sale, carrying, or possession of any weapons or explosives of any kind on public streets, public places, or any outdoor place.

(8) Curtail or suspend commercial activity.

(9) Turn off water, gas, or electricity.

(10) Control, restrict, and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation, or other means, the use, sale or distribution of food, fuel, clothing and other commodities, materials, goods, and services.

(11) Close all roads and highways in such area to traffic, or limit the travel on such roads to the extent necessary and expedient.

(12) Enter into mutual aid agreements with other agencies.

(13) Forego competitive procurement procedures and enter into necessary emergency contracts:

(14) Redirect city funds for emergency use.

(15) Order such other measures necessary for the protection of life or property, or for the recovery from the emergency.

**94.10 PROPERTY; AUTHORITY TO ENTER**

During a declared emergency, a city employee or agent may enter onto or upon private property if the person has reasonable grounds to believe there is an immediate need for assistance for the protection of life or property.

**94.11 NONLIABILITY FOR EMERGENCY SERVICES**

During the existence of a declared or undeclared emergency, the City and any agent of the City engaged in any emergency services activity, while complying with or attempting to comply with the emergency management plan, shall have all protections from liability afforded by ORS chapter 401 and by the Oregon Tort Claims Act.

**94.12 PRICE GOUGING PROHIBITED**

(A) Whenever a state of emergency is declared to exist, no person or business may sell or attempt to sell any goods or services for a price in excess of the normal market price which existed for a good or service prior to the state of emergency. “Normal market price”shall mean the person’s or business’s average of the regular price of the goods or services for the thirty (30) days preceding the state of emergency.

(B) When a person starts a business or acquires inventory after the commencement of a state of emergency, the price of any goods or services during the state of emergency shall be consistent with the normal market price of the industry for such goods or services, with consideration given to demonstrated higher costs associated with the new business or inventory.

Penalty, see Section 94.99

**94.99 PENALTY**

Any Person who violates any emergency measure or lawful order taken under authority of this ordinance shall be subject, upon conviction, to a fine equal to a Class A violation as defined by ORS chapter 153.

(A) Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.

(B) If the violation is for price gouging, the fine shall be equal to a Class A violation for each item sold in violation of this chapter.