

3-11-04 ✓ CODIFIED
BY Jim A Date 2004

ORDINANCE NO. 1856

(An ordinance adding Chapter 2.48--Emergency Operations Ordinance to the Hood River Municipal Code)

WHEREAS, the City does not currently have an ordinance addressing operations in the event of an emergency;

WHEREAS, the City should be prepared to respond to emergencies in an efficient and effective manner for the preservation of the public peace, safety and welfare of the citizens of the City;

WHEREAS, the City, along with Hood River County, is in the process of preparing an Emergency Operations Plan;

WHEREAS, this Emergency Operations Ordinance is necessary in order to adopt and implement the Emergency Operations Plan.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 2.48 is added to the Hood River Municipal Code:

Section 2.48.010	Title
Section 2.48.020	Purpose
Section 2.48.030	Definition of Emergency
Section 2.48.040	City Manager and Successor
Section 2.48.050	Declaration of Emergency
Section 2.48.060	Regulation and Control of Persons and Property
Section 2.48.070	Penalty

2.48.010 Title. This Chapter shall be known as the “Emergency Operations Ordinance” and may be cited as such, and will be referred to in this Chapter as this Ordinance.

2.48.020 Purpose. The purpose of this Ordinance is to provide a plan to minimize injury to persons and property, and to preserve the established civil authority in the event that a state of emergency exists within the City. This Ordinance is also intended to

operate in conjunction with the City's Emergency Operations Plan. The City's Emergency Operations Plan shall be adopted by resolution of the City Council and may be amended from time to time by subsequent Council resolution.

2.48.030 Definition of Emergency. The state of emergency exists whenever the City or any area in the City is suffering or is in imminent danger of suffering an event that may cause injury or death to persons, or damage to or the 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:

1. A civil disturbance or riot;
2. A disaster such as flood, windstorm, snow event, earthquake, volcanic eruption or related activity, fire, explosion or epidemic;
3. The declaration of a war-caused national emergency;
4. Any major disruption of community services such as transportation, power supply, water service, sanitation, or communications;
5. A health hazard, whether natural or manmade.

2.48.040 City Manager and Successor. The City Manager is the chief administrative officer of the City and is responsible for implementation of the Emergency Operations Plan. If for any reason he or she is unable or unavailable to perform the duties of office under this Ordinance during a state of emergency, the duties shall be performed by the following officials in the following order of succession: the Director of Personnel and Finance, Chief of Police, Fire Chief, Director of Public Works and Engineering. In the absence of any of the listed officials, an employee of the City of Hood River designated by the City Council shall have the authority to perform the duties of office under this Ordinance during a state of emergency. The powers of the successor to the City Manager shall be limited to those granted under this Ordinance, and the duration of succession shall be until such time as the City Manager is able and available to perform the duties of office.

2.48.050 Declaration of Emergency.

A. When the City Manager determines that a state of emergency exists, the City Manager shall make a declaration to that effect and request the Mayor to call a special meeting of the City Council in order to ratify the declaration of emergency. The special meeting of the Council shall occur as soon as possible after the declaration of emergency and such notice as is appropriate to the circumstances shall be given for the meeting.

B. The state of emergency declared under this Section shall exist for the period set forth in the declaration and may be extended by the Council for such periods as it deems necessary. Alternatively, or in addition, upon ratification of the declaration, the Council may authorize the City Manager to extend the state of emergency for a specified period or periods of time.

C. The declaration of emergency shall designate the geographic boundaries of the area which warrants the exercise of emergency controls.

D. The declaration of emergency shall state any special regulations imposed as a result of the state of emergency and the Council may authorize additional specific emergency powers not provided for in this Ordinance for the duration of the emergency.

E. The declaration of emergency may:

1. Authorize extraordinary measures and the mobilization of City resources;
2. Authorize expedited purchasing and contracting, including bypassing hearings and the competitive bid process;
3. Authorize requests for state and federal disaster funding;
4. Encourage a county and/or state proclamation of emergency.

2.48.060 Regulation and Control of Persons and Property.

A. During the existence of a declared state of emergency within the City, the City Manager is empowered to order the following measures in the interests of public health, safety or welfare:

1. 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.

2. Regulate or prohibit egress and ingress to and from an emergency area; limit or prohibit the movement of any person or persons within such area; order the moving or removal of any property within the area and the evacuation of any person or persons from the area to the extent that the City Manager finds human lives or property are endangered; and authorize or direct the entry into or upon private property to prevent or minimize danger to lives or property.

3. 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.

4. Barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the area designated as an emergency area for such distance as may be deemed necessary under the circumstances.

5. Prohibit the sale of alcoholic beverages or the consumption thereof in public places; prohibit or restrict the sale of gasoline or other flammable liquids; and prohibit the sale, carrying or possession of any weapons or explosives of any kind on public streets, public places or any outdoor place.

6. Order mandatory evacuations of persons. An evacuation authorized by this subsection shall be ordered only when necessary for public safety or when necessary for the efficient conduct of activities that minimize or mitigate the effects of the emergency

7. Order such other measures as are imminently necessary for the protection of life or property, or for the recovery from emergency.

B. All orders issued under this Section shall have the full force and effect of law during the declared state of emergency. All existing laws, ordinances, rules and regulations inconsistent with this Ordinance shall be inoperative during this period of time and to the extent that such inconsistencies exist.

2.48.070 Penalty. Any person who violates any provision of this Ordinance and any order adopted or enacted under authority of this Ordinance shall be punished as provided in Chapter 1.12.

Read for the first time: February 23, 2004.

Read for the second time and passed: March 8, 2004, to become effective thirty (30) days hence.

Signed March 11, 2004.


Paul G. Cummings, Mayor

ATTEST:


Jean M. Hadley, City Recorder