

EMERGENCY MANAGEMENT ACT

2.700 Purposes. The declared purposes of this Act 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.

[Added by Ord. No. 93-19, enacted Nov. 16, 1993.]

2.702 Emergency Defined. As used in this Act, "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 466.605, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by the county, civil disturbance, riot, sabotage and war.

[Added by Ord. No. 93-19, enacted Nov. 16, 1993.]

2.704 City Emergency Management Agency. The City Emergency Management Agency is created, and shall consist of the following:

(1) The Mayor, who shall be chairperson.

(2) The Emergency Program Manager, who shall be vice chairperson.

(3) The Assistant Emergency Program Manager.

(4) Such chiefs of emergency services as are provided for in a current emergency plan of this City, adopted pursuant to this Act.

(5) Such representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Manager with the advice and consent of the City Council.

[Added by Ord. No. 93-19, enacted Nov. 16, 1993.]

2.706 Emergency Management Agency - Powers and Duties. It shall be the duty of the City Emergency Management Agency, and it is empowered, to develop and recommend for adoption by the City Council, emergency and mutual-aid plans and agreements, and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The Agency shall meet upon call of the chairperson or, in the chairperson's absence from the City or inability to call such meeting, upon call of the vice chairperson.

[Added by Ord. No. 93-19, enacted Nov. 16, 1993.]

2.708 Emergency Program Manager.

(1) The City Manager is designated the Emergency Program Manager.

(2) The Chief of Police is designated the Assistant Emergency Program Manager.

[Added by Ord. No. 93-19, enacted Nov. 16, 1993.]

2.710 Powers and Duties.

(1) The Manager is empowered to:

(a) 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 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.

(b) Request the Governor, in coordination with the County, to proclaim a "state of emergency" when, in the opinion of the Manager, the locally available resources are inadequate to cope with the emergency.

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

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

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

(f) 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 Manager is empowered:

(i) 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;

(ii) 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;

(iii) To require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in Klamath 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;

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

(v) To execute all of his/her ordinary power as City Manager, 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.

(2) The Assistant Manager shall assume the duties of the Manager in the event the Manager is unavailable to attend meetings and otherwise perform his/her duties during an emergency.

(3) The Assistant Manager shall, under the supervision of the Manager and with the assistance of the emergency service chiefs, 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 Manager.
[Added by Ord. No. 93-19, enacted Nov. 16, 1993.]

2.712 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, including persons impressed into service under the provisions of Subsection 2.710 (1)(f)(iii), 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.
[Added by Ord. No. 93-19, enacted Nov. 16, 1993.]

2.714 Emergency Plan. The City Emergency Management shall be responsible for the development of

the City Emergency Plan, which plan 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.

[Added by Ord. No. 93-19, enacted Nov. 16, 1993. Amended by Res. No. 99-19, enacted May 3, 1999.]

2.716 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.

[Added by Ord. No. 93-19, enacted Nov. 16, 1993.]

2.718 Violations - Penalties. It shall be a misdemeanor, punishable by a fine of not to exceed Five Hundred Dollars (\$500.00), or by imprisonment for not to exceed six (6) months, or both, 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.

[Added by Ord. No. 93-19, enacted Nov. 16, 1993.]

