

ORDINANCE NO. 265**AN ORDINANCE CREATING AN EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF COOS BAY, PROVIDING FOR THE CREATION OF EMERGENCY OPERATIONS PLAN AND FOR THE ADMINISTRATION THEREOF**

The City of Coos Bay ordains as follows:

Section 1. Title. This ordinance shall be known as the "City of Coos Bay Emergency Code."

Section 2. Purpose. The purpose of this ordinance is to establish procedures to prepare for and carry out any activity to prevent, minimize, respond to or recover from an emergency which is threatened or which exists within the corporate limits of the City of Coos Bay.

Section 3. Definitions.

City Manager. The City Manager of the City of Coos Bay, or such other person designated by the City Council to serve in that capacity.

Emergency. Any man-made or natural event or circumstance causing or threatening to cause loss of life, injury to persons or property, human suffering, including, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material as defined by ORS 466.605, contamination, utility or transportation emergencies, disease, blight, infestations, crisis influx of persons unmanageable by the city, civil disturbance, riot, sabotage or war.

Emergency Program Manager. The person appointed by the City Manager to administer the Emergency Operations Plan for the City of Coos Bay.

Section 4. Emergency Management Agency. There is hereby established an Emergency Management Agency for the City of Coos Bay. The Emergency Management Agency shall be comprised of the following officials: the Mayor, Fire Chief, the Police Chief, the Community Services Director, the City Attorney and the City Manager, who shall be the Director of the Agency. The Emergency Management Agency shall cause to be created and updated on a regular basis an Emergency Operations Plan.

Section 5. Duties of City Manager and Emergency Management Program Manager and Responsibility for Execution.

(a) The City Manager shall be responsible for emergency management in event an emergency is declared, and shall be responsible for preparation and implementation of the emergency management operations and the Emergency Management Plan.

(b) The City Manager shall designate an Emergency Management Program Manager for the Emergency Management Agency, who shall have the following powers and duties:

- (1) To create a basic emergency operations plan;
- (2) To direct officials of City departments, bureaus and other offices with emergency service capabilities to prepare coordinated standard emergency operating procedures;
- (3) To ensure that personnel, equipment, material and supplies are available or can be procured from public and private sources for use in the event of an emergency and to provide for accounting of such items;
- (4) To provide coordination for emergency plan, other emergency programs, and operations of Federal, State and County agencies in event of an emergency, and other public or private agencies and corporations with emergency service capabilities.
- (5) To provide for training operations under simulated emergency conditions.

Section 6. Declaration and Ratification of Emergency.

(a) The City Manager shall have the authority to make a declaration of emergency whenever he or she determines an emergency exists which threatens to cause or is causing danger of injury or death to persons or damage to or the destruction of property, such that extraordinary measures must be taken to protect the public health, safety and welfare.

(b) Upon determination that an emergency exists, the City Manager shall immediately make a declaration to that effect, and shall immediately contact the Mayor or, in the Mayor's absence, the president of the Council or his or her designee, who shall immediately convene a special session of the City Council for the purpose of ratifying such declaration.

(c) The declaration of emergency shall state:

- (1) the nature of the emergency;
- (2) the geographic boundaries of the area which is subject to emergency controls, which shall be no larger than necessary to respond to the emergency; and
- (3) any special regulations imposed as a result of the emergency.

(d) Ratification of a declaration of emergency shall state the duration of time during which the geographic area subject to emergency controls shall remain an emergency area, and shall authorize the exercise of specific emergency powers by the City Manager for the duration of the period of time set forth in the ratification.

Section 7. Seeking Declaration of State of Emergency by Office of the Governor.

(a) Upon determination that all local resources have been expended, that the emergency is continuing, and that the City is no longer able to adequately respond to the emergency, the City Manager shall seek authorization from the City Council to seek a declaration of emergency from the Office of the Governor of the State of Oregon.

(b) If the City Council authorizes the request for a declaration of emergency by the Office of the Governor, the City Manager shall prepare a certification, to be signed by the members of the City Council, stating that all local resources have been expended and providing a preliminary assessment of injuries, deaths and property damage or loss.

(c) The City Manager shall immediately forward the certification and preliminary assessment to the Coos County Board of Commissioners, with a request that the Board of Commissioners file the request with the State of Oregon Office of Emergency Management.

Section 8. Regulation of Persons and Property.

(a) Whenever an emergency is declared to exist within the City of Coos Bay, City Council may exercise its police power to the fullest extent authorized by the U.S. Constitution, the Oregon Constitution, and the Charter of the City of Coos Bay to respond to the emergency. In the exercise of its police powers, the City Council may, by resolution, authorize the City Manager to do any or all of the following:

- (1) redirect City funds for emergency use and, to the extent permitted by law, suspend standard City procurement procedures;
- (2) establish a curfew which fixes the hours during which all persons other than officially authorized personnel may not be upon the public streets or other public places;
- (3) prohibit or limit the number of persons who may gather or congregate upon any public street, public place, or any outdoor place;
- (4) barricade streets and prohibit vehicular or pedestrian traffic, or regulate the same on any public street leading to the emergency area for such distance as may be deemed necessary under the circumstances;
- (5) evacuate persons;
- (6) prohibit the sale of alcoholic beverages;
- (7) prohibit or restrict the sale of gasoline or other flammable or combustible liquids;
- (8) prohibit the sale, carrying, or possession of any weapons or explosives of any kind on public streets, public places, or any outdoor place;
- (9) curtail or suspend commercial activity;
- (10) turn off water, gas, or electricity;
- (11) order the destruction of property;
- (12) order such other measures as are necessary to provide for the public order, peace, health, safety, welfare and morals during the emergency.

(b) Any resolution authorizing summary action pursuant to this section shall contain provisions allowing affected persons to obtain prompt opportunity for review of the action.

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Section 9. Termination of Emergency. The City Manager shall terminate the declaration of emergency when the emergency no longer exists or the threat of emergency has passed.

Passed by the Council and approved by the Mayor November 3, 1998.