BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY OREGON

IN THE MATTER OF ESTABLISHING )
EMERGENCY PROCEDURES FOR LAKE ) ORDINANCE # 31 )
COUNTY

An ordinance providing emergency procedures for preservation of civil authority, including declaration of State of Emergency, imposition of emergency measures, acquisition of resources, penalties for violations, and development of emergency management plan.

Whereas, The Board finds:

1. It is necessary to provide procedures to minimize injury to persons and property, to clearly establish when and who may close county Road and Local Access Roads and to preserve the established civil authority in the event a local State of Emergency exists within the unincorporated areas of Lake County if assistance is requested by such municipality.

2. In establishing these procedures the following definitions shall apply:

2.1. **Emergency** – includes 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, contaminations, utility or transportation emergencies, disease, blight, infestation, crisis, influx of migrants unmanageable by the county, civil disturbance, riot, sabotage and war.

2.2. **Local State of Emergency** – means verbal or written declaration that an emergency has occurred or is imminent.

2.3. **Closure Order** – means a verbal or written order issued by the Lake County Sheriff, or his designee, after the declaration of a local State of Emergency, closing any county Road or Local Access Road in Lake County.

2.4. **County Road** – means a public road under the jurisdiction of county that has been designated as a County Road under ORS 368.016. ORS 368.001(1).

2.5. **Local Access Road** – means a public road that is not a county road, state highway or federal road. 368.001(3).

3. Under the provisions of ORS Chapter 401, the authority for responding to emergencies is placed at the local government level. ORS Chapter 401 further mandates that the County shall
establish an emergency management agency to perform emergency management functions that include program development, fiscal management, coordination with non-government agencies and organizations, public information, personnel training and development and implementation of exercises to test the system.

THEREFORE THE LAKE COUNTY BOARD OF COMMISSIONERS ORDAIN AS FOLLOWS:

1. DECLARATION OF EMERGENCY: A local State of Emergency may be declared after a determination is made that an Emergency has occurred or is imminent. A declaration of local State of Emergency may be verbal or in writing and shall specify the geographical area covered by the declaration. Such area shall be no larger than necessary to effectively respond to the Emergency.

2. AUTHORITY TO DECLARE EMERGENCY: In order of descending authority, the following persons shall have the authority to declare a local State of Emergency or its termination. No such person shall declare or terminate a local State of Emergency unless, despite reasonable efforts to contact each and every person of a higher authority to make such a declaration, such efforts are unsuccessful and if the situation presents such a grave risk of loss of life or serious physical injury as to necessitate declaration of a local State of Emergency immediately. However, all reasonable and practical attempts to contact persons of higher authority shall be made as soon as the situation allows it.

   2.1. Lake County Board.
   2.2. Chairperson of the Lake County Board of Commissioners.
   2.3. Another member of the Lake County Board of Commissioners.
   2.4. Sheriff of Lake County.
   2.5. Undersheriff of Lake County.
   2.6. Lake County Emergency Services Coordinator.
   2.7. Lake County Road Master.
   2.8. Lake County Commissioners Assistant.

As soon as practical after the declaration of a local State of Emergency, if not already terminated, the Lake County Board of Commissioners shall meet in person or by telephone, and determine whether existing conditions require the continuation of the State of Emergency. Upon a determination that the Emergency no longer exists, or when the threat of an Emergency has passed, the local State of Emergency shall be terminated in accordance with this section.
3. REGULATION AND CONTROL: Whenever a State of Emergency has been declared to exist within unincorporated Lake County, or upon the request of a municipality’s governing body, the Board of County Commissioners is empowered to order and enforce the measures listed below. However, if circumstances prohibit the timely action of the Board of county Commissioners, the Chairperson of the Board may order emergency measures, provided that approval from a majority of the Board of county Commissioners is sought and obtained at the first available opportunity, or the Chairperson’s order will become null and void. Such emergency measures shall include but are not limited to:

3.1. 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.

3.2. 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.

3.3. Barricade streets and roads, as well as access points onto streets and roads, and prohibit vehicular or pedestrian traffic, or restrict or regulate the same in any reasonable manner in the area designated as an emergency area for such distance or degree of regulation as may be deemed necessary under the circumstances.

3.4. Evacuate persons from the area designated as an emergency area.

3.5. Commit to mutual aid agreements.

3.6. Suspend standard procurement procedures to obtain necessary services and/or equipment.

3.7. Redirect funds for emergency use.

3.8. Order such other measures as are found to be immediately necessary for the protection of life and/or property.

4. DELEGATION OF POWERS TO THE SHERIFF: Upon the declaration of a local State of Emergency, the Sheriff of Lake County, or his designee, shall have the following powers:

4.1 To issue Closure Orders closing to all persons any County Road, local access road, or any other road in Lake County. Any closure ordered by the Sheriff, or his Designee, shall be no longer than reasonably necessary to effectively respond to the emergency.

4.2 To request of other public agencies, private persons or private entities, permission to issue Closure Orders for roads, water ways or other property under their jurisdiction.

4.3 To prohibit any person from entering or remaining in an area subject to a Closure Order.
5. PENALTIES:

5.1 Any person, firm, corporation, association or entity who violates any emergency order issued or measure taken pursuant to this ordinance or the emergency operations plan shall be deemed in violation of this order and, upon conviction thereof, shall be punished by a fine of not more than $500.00 per offense.

5.2 Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.

5.3 The provisions of paragraphs 5.1. and 5.2. of this Section are in addition to and not in lieu of any other crimes or offenses established by Oregon law.

6. RESPONSIBILITY FOR EMERGENCY MANAGEMENT: For the purposes of this ordinance, in accordance with ORS Chapter 401, the emergency management agency for Lake County shall be the Lake County Sheriff’s Office, Division of Emergency Services, and the Lake County Sheriff is designated as the Director of Emergency Services. The emergency program may be managed by an Emergency Services Coordinator appointed by the Director. The Coordinator’s duties shall include, but are not limited to, the following:

6.1 Develop, update, and revise the County’s Basic Emergency Operations Plan.

6.2 Coordinate the activities of County departments and other agencies with emergency service capabilities in the development of individual operational annexes to the Basic Plan.

6.3 Provide for the coordination of emergency plans, programs, and operations within the County, cities, neighboring jurisdictions, and other public and private agencies with emergency service responsibilities.

6.4 Develop working agreements with the cities, neighboring jurisdictions, and service districts to assure coordinated response to an emergency affecting Lake County.

6.5 Arrange for the procurement of personnel, equipment, materials and supplies, and for the accounting thereof, for the use in the event of a declared emergency.

6.6 Provide for coordinated operations under simulated emergency conditions.

6.7 Recommend to the Board any ordinances, policies, or procedures which would assist the Board and other County officials in the performance of their duties in preparing for, responding to, and recovering from an emergency.

6.8 To keep the Board informed of all significant developments during the course of any emergency.

Notwithstanding any other provision of this ordinance or the emergency operations plan, the Board of County Commissioners retain the right and authority to direct and approve all fiscal
expenditures and obligations not previously appropriated to emergency management services and to direct and approve the use and expenditure of personnel needed for operations not in accordance with their normal course of work.

7. SEVERABILITY: 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 portion of this ordinance.

DATED this 20 day of January, 1999

BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY

By Jane O'Keefe
Chairman

By William O'Donoghue
Commissioner

By Kathleen J. Gallagher
Commissioner

Attest

Karen Swank, County Clerk