

AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE (AMC), CHAPTER 2.28, EMERGENCY MANAGEMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Albany is required by federal mandate to adopt and utilize the National Response Plan (NRP), National Incident Management System (NIMS), and Incident Command System (ICS) on all emergencies in our jurisdiction and outside of our jurisdiction on mutual aid incidents; and

WHEREAS, the City desires to more accurately reflect the actions of its emergency center by updating the name of the Emergency Operations Center (EOC) to Emergency Coordination Center (ECC); and

WHEREAS, correction is required of a typographical error in Section 2.28.070.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1:

**Chapter 2.28**  
**EMERGENCY MANAGEMENT**

Sections:

2.28.010 Purposes.

2.28.020 Emergency defined.

2.28.030 Emergency Program Manager.

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2.28.050 Emergency Operations Planning Team.

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2.28.070 Emergency organization – Composition.

2.28.080 Expenditures.

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**2.28.010 Purposes.**

The declared purposes of this chapter 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) Comply with federal directives requiring the use of the National Response Plan (NRP) and National Incident Management System (NIMS) including Incident Command System (ICS) on all emergencies within our jurisdiction and in all responses outside our jurisdiction on mutual aid; and**

(23) Implement the provisions of ORS Chapter 401. (Ord. 5142 § 1, 1994).

**2.28.020 Emergency defined.**

As used in this chapter, “emergency” means any manmade 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 466.695, contamination, utility or transportation emergencies, disease, blight, infestation, crisis influx of migrants unmanageable by the county, civil disturbance, riot, sabotage and war. (Ord. 5142 § 1, 1994).

### **2.28.030 Emergency Program Manager.**

The City Manager is designated as the City of Albany Emergency Program Manager.

(1) The Emergency Program Manager may appoint an Emergency Management Coordinator to serve as his/her deputy and to coordinate the preparation of the Emergency Management Plan and operation of the City Emergency ~~Operations~~ **Coordination** Center.

(2) The City Emergency Program Manager shall be responsible for the development of the City Emergency Plan which 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. (Ord. 5142 § 1, 1994).

### **2.28.040 Powers and duties of the Emergency Program Manager.**

The Emergency Program Manager is empowered to:

(1) 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 Emergency Program Manager the City Council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall have no further force or effect.

(2) Request the Governor, in coordination with the counties, to proclaim a "state of emergency" when, in the opinion of the Emergency Program Manager; the locally available resources are inadequate to cope with the emergency.

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

(4) 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.

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

(6) 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 Emergency Program Manager is empowered, to the extent lawfully permissible:

(a) 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;

(b) 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;

(c) To require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in Linn and Benton counties 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;

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

(e) 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. (Ord. 5142 § 1, 1994).

### **2.28.050 Emergency Operations Planning Team.**

The Emergency Operations Planning Team is created and shall consist of at least seven representatives as designated by the City Emergency Program Manager. (Ord. 5142 § 1, 1994).

**2.28.060 Powers and duties of the Emergency Operations Planning Team.**

The Emergency Operations Planning Team shall, under the supervision of the Emergency Program Manager, 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 Emergency Program Manager. (Ord. 5142 § 1, 1994).

**2.28.070 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 ~~AMC 2.28.060(6)(e)~~ **AMC 2.28.040(6)(c)**, 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. (Ord. 5142 § 1, 1994).

**2.28.080 Expenditures.**

Any expenditure 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. (Ord. 5142 § 1, 1994).

**2.28.090 Violations – Penalties.**

It shall be a misdemeanor, punishable under the general penalty section provided in AMC 1.04.010, 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. (Ord. 5142 § 1, 1994).

Section 2:


Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by Council: September 26, 2007

Approved by Mayor: September 26, 2007

Effective Date: September 26, 2007

ATTEST:

  
\_\_\_\_\_  
City Clerk

  
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Mayor