

CHAPTER 34. EMERGENCY MANAGEMENT ACT. ¹

34.01.010. Definitions. For purposes of this ordinance, the following terms are defined as follows:

A. "Disaster" means a sudden calamitous manmade, natural or war-caused disaster, a technological hazard, internal disturbance, or any event bringing great damage, loss or destruction.

B. "Disaster Emergency" means those conditions which may, by investigation, be found actually or likely to:

1. affect seriously the safety, health or welfare of a substantial number of the citizens of the City or preclude the operations or use of essential public services and facilities;

2. be of such a magnitude or severity to necessitate seeking county or state supplementation of local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced;

3. have been caused by forces beyond the control of man, by reason of civil disorder, riot or disturbance, or by factors not foreseen and not known to exist when appropriation bills were enacted.

C. "Emergency Management" means the judicious planning, assignment and coordination of all available resources in an integrated program of prevention, mitigation, preparedness response and recovery for emergencies of any kind, whether from manmade or natural sources.

D. "Emergency Services" means the preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize and provide emergency repair of injury and damage resulting from disaster, together with all other activities necessary or incidental to the preparation for carrying out of those functions. The functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, disaster warning services, communications, radiological, shelter, chemical and other special weapons defense, evaluation of persons from stricken areas, emergency resources management, temporary restoration of public utility services, and other functions related to civilian protection.

E. "Local Emergency" means the condition declared by the mayor when in his or her judgement the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.

F. "Manmade Disaster" means any industrial, nuclear, or transportation accident, explosion, conflagration, power failure, natural resource shortage, or other condition, except enemy action, resulting from manmade causes, such as oil spills and other injurious environmental contamination, which threatens or causes substantial damage to property, human suffering, hardship or loss of life.

G. "Natural Disaster" means hurricane, windstorm, tornado, storm, flood, high water, wind-driven water, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe which results in substantial damage to property, hardship, suffering or possible loss of life.

H. "War-Caused Disaster" means any condition following an attack resulting in substantial damage to property or injury to persons caused by use of bombs, missiles, shellfire, nuclear, radiological, chemical, biological, other weapons of mass destruction, or overt paramilitary actions, or other conditions such as sabotage.

I. "Technological Hazard" means any hazardous materials accident, mine accident, train derailment, air crash, radiation incident, pollution, structural fire or explosion.

J. "Internal Disturbance" means a riot, prison break, disruptive terrorism or labor strike.

K. "Expenses" means actual costs of government and volunteer personnel; including, labor, wages, workers compensation benefits, fringe benefits, administrative overhead, cost of equipment, cost of equipment operations, cost of materials, and the cost of any contracted labor and materials.

34.01.020. Office of Emergency Services Created.

The Office of Emergency Services is created under the office of the mayor and shall be managed by an Emergency Services Director, who shall be appointed in the manner set forth in Brigham City Code, Title 11. The Office of Emergency Services will coordinate activities pertaining to disasters and will be the instrument through which the mayor may exercise the authority and discharge the responsibilities vested in him or her.

34.01.030. The Mayor's Powers and Duties.

¹ Chapter 34 added with Ordinance 03-26, dated 6/12/03.

A. The mayor is authorized to declare a local disaster upon finding a disaster has occurred or is imminent. A disaster emergency's existence or resolution is declared by the mayor in consultation with readily available City councilmembers. In the event of the mayor's temporary absence or disability, the continuity of government provided for in Section 2.02.120 and Section 2.02.130 Brigham City Code will be followed.

B. A disaster emergency which causes danger of injury or damages to persons or property can be declared as a result of:

1. internal disturbance;
2. natural disasters;
3. manmade disasters;
4. technology hazards;
5. war-caused disaster.

C. The declaration or resolution of a disaster emergency shall become effective upon completion of a state of emergency declaration by an authorized City official. The declaration shall be issued and distributed in appropriate form to the public.

D. Power to create orders deemed necessary to preserve the peace and order of the City can be made by proclamation or resolution of the mayor in consultation with readily available City councilmembers. In the event of the mayor's temporary absence or disability, the continuity of government provided for in Section 2.02.120 and Section 2.02.130 Brigham City Code will be followed.

E. In order to preserve the peace and order of the City, the following orders can be made:

1. An order to establish a curfew upon all or part of the City providing:
 - a) curfew areas which require the public to remove themselves from the area; and
 - b) exemption from curfew for specific personnel performing essential services such as medical, utility, fire, police and other essential services.
2. An order to close any business establishment for the period of the emergency whose products create a potential for personal harm or property damage. The types of business may include, but are not limited to, those selling or dispensing:
 - a) intoxicating liquors or beer;
 - b) gasoline or other flammable liquids or combustible products, toxic or hazardous materials; and/or
 - c) firearms and ammunition, fireworks or explosives.
3. An order to close all private clubs or portion thereof where the consumption of intoxicating liquor and/or beer is permitted.
4. An order to discontinue the sale of beer or other alcoholic beverages for the period of the disaster emergency.
5. An order to designate any public street, thoroughfare, alley, park or vehicle parking area closed to motor vehicles and pedestrians for the period of the disaster emergency.
6. An order to call upon organizations, within or without the City, to assist in preserving and keeping the peace within the City for a period of the emergency. These include regular and volunteer fire and/or law enforcement organizations.
7. Other orders which are imminently necessary for the protection of life and property, and
8. An order that the City Emergency Management Policy Group shall convene to make policy decisions during the period of the disaster emergency.

34.01.040. Emergency Services Director.

The Emergency Services Director shall be an employee of Brigham City who is recommended by the mayor and approved by the City Council. The Emergency Services Director shall report directly to the mayor and shall be responsible for the planning, administration and operation of the local organization subject to the direction and control of the mayor. The Emergency Services Director shall also have the following responsibilities:

- A. ultimate responsibility and authority in carrying out the policy decisions of the mayor;
- B. coordinates all disaster related emergency response actions of all City departments;
- C. coordinates activities of the Emergency Operations Center;
- D. point of contact/liaison with other municipal, county, state or federal organizations;
- E. coordinate recovery activities following a disaster situation; and
- F. coordinates all mitigation and preparation activities of the City.

34.01.050. Emergency Management Plan.

The Department of Emergency Services shall prepare an Emergency Management Plan (Plan) that shall be submitted to and approved by the mayor. The City Council shall receive copies and training associated with the Plan. The Plan shall establish an Emergency Management Committee providing for the use of services, equipment, facilities, and personnel of all City government departments and agencies and other service providers during a threatened or actual local disaster emergency. It shall be the duty of all Emergency Management Committee members to perform the functions assigned to them in the Plan and to maintain their portion of the Plan in the state of readiness at all times. All substantive amendments to the Plan shall be approved by the Emergency Management Committee and the Mayor, provided, however, that in the event an amendment is pending at the time a disaster is proclaimed, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the mayor or the Emergency Management Committee.

34.01.060. Emergency Operations Center.

The Department of Emergency Services shall establish and staff an Emergency Operations Center (EOC) equipped with a communications system to support government operations in emergencies and provide other essential families and equipment for agencies and activities assigned emergency functions. An alternate EOC will also be established in the case the EOC is not able to operate in an emergency.

34.01.070. Purchasing of Goods and Services.

When a disaster emergency has been declared, the purchasing of goods and services will not follow the normal purchasing procedures. The department needing the goods or services will try and obtain a fair market value from the supplier or contractor, but the need for the goods or services will take priority. The purchase order that is issued for the goods or services will contain the following information:

- A. supplier/contractor;*
- B. authorized signature/name of City official;*
- C. location of the goods or services to be used;*
- D. department requesting goods or services;*
- E. price for goods and services;*
- F. "Disaster Emergency" will be written at the top of the purchase order;*
- G. upon receipt of the invoice for the goods or services will be attached to the emergency purchase order;*
- H. the completed documentation will be forwarded to the Finance Director for payment of the invoice.*