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AN ORDINANCE PROVIDING FOR **DISASTER RESPONSE / EMERGENCY MANAGEMENT**

The Legislature Body of the Town of Cedar Fort, County of Utah ordains as follows:

That an ordinance be enacted to read as follows:

DISASTER RESPONSE AND EMERGENCY MANAGEMENT

1.0 Disaster Response and Management

1.1 Legislature Findings - Purpose.

1.1.1 The Town Council of the Town of Cedar Fort finds that existing and increasing threats of the occurrence of destructive disasters resulting from attack, internal disturbance, natural phenomena or technological hazard could greatly affect the health, safety and welfare of the people of this town, and it is therefore necessary to grant to the Town Council special emergency disaster authority. Pursuant to Sections 63-5a-4 and 63-5a-11, Utah Code Annotated, 1953, as amended, the Town Council is authorized to carry out the measures as may be ordered by the governor under Title 63, Chapter 5a, Utah Code Annotated, 1953, as amended.

1.1.2 It is the purpose of this ordinance to assist the council to effectively provide emergency disaster response and recovery assistance in order to protect the lives and property of the people of this town.

1.2 Definitions.

1.2.1 "Disaster" means a situation causing, or threatening to cause, widespread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomenon or technological hazard.

1.2.2 "Attack" means a nuclear, conventional, biological, or chemical warfare action against the United States of America or this state.

1.2.3 "Internal disturbance" means riot, prison break, disruptive terrorism or strike.

(d) "Natural phenomenon" means by earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, drought, or epidemic.

1.2.4 "Technological hazard" means any hazardous materials accident, mine accident, train derailment, air crash, radiation incident, pollution, chemical weapons incident, structural fire or explosion.

1.2.5 "Local emergency" means a condition in any area of the town which requires that emergency assistance be provided by the town to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster.

1.2.6 "Emergency Operations Plan" means the formal plan compiled by the Town providing emergency operations procedures to be used during a disaster.

1.3 Emergency Disaster Committee created.

1.3.1 An Emergency Disaster Committee is created to provide advice to the Town Council on matters relating to local government emergency disaster response and recovery actions.

1.3.1.1 The Committee shall meet at the direction of the Town Council.

1.3.1.2 The Town Council shall appoint a Director of Emergency Management who shall serve on the Emergency Disaster Committee as Chairman.

1.3.2 The Emergency Disaster Committee is comprised of the following:

1.3.2.1 Town Council;

1.3.2.2 Water Works Director;

1.3.2.3 Town Fire Chief;

1.3.2.4 Town Clerk/Auditor;

1.3.2.5 Others as appointed by the Town Council.

1.4 Local Emergency Declaration.

1.4.1 "local emergency declaration" may be declared by the Mayor (or member of the Town Council) if he finds a disaster has occurred or the occurrence or threat of a disaster is imminent in any area of the town in which town government response or recovery is required or assistance is required to supplement the response and recovery of any political division. The local emergency declaration shall not be continued or renewed for a period in excess of 30 days except by or with the consent of the Town Council. All declarations or orders issued under this ordinance shall include:

1.4.1.1 the nature of the "local emergency";

1.4.1.2 the area or areas being threatened'

1.4.1.3 the conditions creating such an emergency or those conditions allowing termination of the "local emergency";

1.4.1.4 the number or quantity of resources or assistance needed.

1.4.2 Any order or proclamation declaring, continuing, or terminating a "local emergency" shall be filed promptly with the Town Clerk.

1.4.3 When the Mayor or the Town Council declares a disaster or emergency, the town's emergency response will operate as outlined in the Town Emergency Operations Plan.

1.5 Political subdivisions of the county -- declaration of a "local emergency declaration".

1.5.1 A declaration of "local emergency" by the Town of Cedar Fort is official recognition to the county that a disaster situation exists within the town and provides a legal basis for requesting and obtaining State or Federal Government disaster assistance.

1.5.2 Notice of any "local emergency" declared by the town shall be promptly delivered to the Utah County Sheriff, Emergency Services Division Commander, or any member of the Board of County Commissioners.

1.5.3 The Board of County Commissioners shall provide the requested assistance and resources. If the county cannot provide such requested assistance, the county shall declare a "local emergency".

1.5.4 The County Sheriff shall direct the request for assistance to the State, following a County local emergency declaration, coordinate other local agency assistance considering proximity to the emergency and available resources.

1.5.5 During any disaster where local, State, or Federal assistance is required, the Sheriff shall direct and coordinate such assistance for the county.

1.5.6 All requests for outside assistance and resources shall be coordinated through the Town Council.

1.6 Authority of the Town Council.

1.6.1 The Town Council, during the declared "local emergency", is authorized and empowered to:

1.6.1.1 enact laws, rules, and regulations or suspend any law, rule, or regulation when necessary to save human life and protect property;

1.6.1.2 utilize all available resources as reasonably necessary to cope with the emergency;

1.6.1.3 suspend rules and regulations regarding overtime restrictions and personnel use allowing utilization of personnel as necessary to answer the challenges of the emergency presented;

1.6.1.4 employ measures and give direction to county and town officials and agencies which are reasonable and necessary for the purpose of securing compliance with provisions of this ordinance, and with orders, rules, and regulations made pursuant to this ordinance;

1.6.1.5 approve and advise the evacuation of all or part of the population from a stricken or threatened area within the town if necessary for the preservation of life;

1.6.1.6 approve routes, modes of transportation, and destination in connection with evacuation;

1.6.1.7 in connection with evacuation suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, or other hazardous materials.

1.6.1.8 control ingress and egress to and from a disaster area, the movement of persons within the area, and approve the occupancy or evacuation of premises in a disaster area;

1.6.1.9 establish curfews for the protection of life and property in the affected areas;

1.6.1.10 establish price freezes to prohibit the practice of "price gouging" for items in short supply or high demand in the affected area;

1.6.1.11 establish the ration of critical supplies necessary to sustain life;

1.6.1.12 clear or remove from publicly or privately owned land or water, debris, or wreckage which may threaten public health or public safety;

1.6.1.13 establish temporary shelters for the housing of evacuated persons.

1.7 Orders, rules, and regulations having the force of law.

All orders, rules, and regulations promulgated by the Town Council shall have the full force and effect of law during the "local emergency", provided a copy thereof is filed with the Town Clerk.

1.8 Acquisition of property for public use.

1.8.1 Upon proclamation of the "local emergency" the Town Council may purchase or lease public or private property for public use including:

- 1.8.1.1 food;
- 1.8.1.2 medical supplies;
- 1.8.1.3 clothing;
- 1.8.1.4 shelter;
- 1.8.1.5 means of transportation;
- 1.8.1.6 fuels and oils;
- 1.8.1.7 buildings or land.

1.8.2 Such purchases under authority of this section may be used for any purpose to meet the needs of an emergency, including its use to relieve want, distress, and disease.

1.9 Mutual Aid Agreements.

The Town Council is authorized to execute an interlocal agreement or compact on behalf of this town with any other county or municipality concerning matters relating to a disaster affecting or likely to affect this town.

2.0 Emergency Interim Succession

2.1 Title.

This section shall be known as the Emergency Interim Succession

2.2 Definitions.

2.2.1 "Absent" means physically not present or not able to be communicated with; does not include a person who can be reached by telephone, radio, or other communications methods.

2.2.2 "Emergency interim successor" means a person designated by the officer, who in his or her absence, can exercise the powers and discharge the duties of the officer when he or she is absent.

2.3 Emergency Interim Succession Procedure.

2.3.1 On January 1 of each year, the Town Council, shall:

- 2.3.1.1 designate three qualified emergency interim successors (beyond those described in section 2-3.d below) who meet the constitutional qualifications for the office, if any;
- 2.3.1.2 specify the order of their succession;
- 2.3.1.3 provide a list of those designated successors to the Sheriff.

2.3.2 If Town Council is unavailable following a "disaster" or "local emergency", a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by the Town Council until:

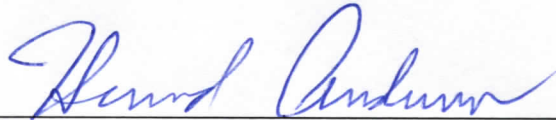
- 2.3.2.1 the Town Council appoints a successor to fill the position;
- 2.3.2.2 a permanent successor is appointed or elected by law;
- 2.3.2.3 the officer, or an emergency interim successor earlier in the order of succession becomes available to exercise or resume the powers of the office;

- 2.3.3 Emergency interim successors shall exercise the powers of the office which they succeeded only when a disaster has occurred (or been declared).
- 2.3.3.1 Successors may only serve for 30 days after the date of the local emergency declaration unless approved by the Town Council.
 - 2.3.3.2 Extension of emergency powers shall be by the authority of the Town Council and only during the time of the disaster and recovery operations.
 - 2.3.3.3 The Mayor, or his or her successor as set forth in paragraph (d) below, shall settle all disputes concerning emergency interim successors.
- 2.3.4 Emergency succession of the Mayor shall proceed as follows when disaster response is occurring or imminent:
- 2.3.4.1 The Mayor shall serve, if available.
 - 2.3.4.2 If the Mayor is unavailable, a Council person shall serve as Chairman (alphabetically, according to last name).

3.0 This ordinance shall become effective fifteen days after its passage.

APPROVED and ADOPTED this 24th day of May 2016.

TOWN COUNCIL OF CEDAR FORT, UTAH COUNTY, UTAH



Mayor

ATTEST:

Town Clerk/Auditor

By: 

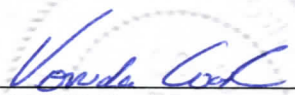
Councilmember Howard Anderson	Voted <u>yea</u>
Councilmember Ellen Cibula	Voted <u>yea</u>
Councilmember Larry Mohler	Voted <u>yea</u>
Councilmember Chris Murphy	Voted <u>yea</u>
Councilmember Richard Stark	Voted <u>yea</u>

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, VONDA Cook, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 24th day of May 2016, entitled

“DISASTER RESPONSE AND EMERGENCY MANAGEMENT ORDINANCE”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 24th day of May 2016.



VONDA Cook
Cedar Fort Town Recorder

(SEAL)

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Vonda Cook, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 24th day of May 2016 and herein referred to as:

“DISASTER RESPONSE AND EMERGENCY MANAGEMENT ORDINANCE”

SUMMARY:

The above named ordinance was enacted to define disaster situations and terms. A declaration of disaster is outlined and a line of authority is presented to be used in case of a disaster scenario within the Town of Cedar Fort.

The three places are as follows:

1. Post Office
2. Town Hall
3. Cedar Valley Store



Vonda Cook
Cedar Fort Town Recorder

Date of Posting 25 May 2016