

ARTICLE TEN -- EMERGENCY MANAGEMENT  
[Article Ten was adopted on November 3, 1999]

DIVISION ONE - AUTHORITY AND PROCEDURES

SECTION 10.01.010                      PURPOSE

The purpose of this Ordinance is to provide a procedure to minimize injury to persons, the environment, and property and to preserve the established civil authority in the event a state of emergency exists within the unincorporated areas of Coos County or within the incorporated areas of Coos County if assistance is requested by such incorporated jurisdiction.

SECTION 10.01.020                      DEFINITION OF EMERGENCY

For the purposes of this Ordinance, emergency is defined as any man-made or natural event or circumstance causing or threatening loss of life, injury to persons, the environment, or property, human suffering, or financial loss to the extent that extraordinary measures must be taken to protect the public health, safety, and welfare. Such event shall include, but not be limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills of oil or other hazardous substances, disease, blight, infestation, utility or transportation service disruptions, civil disturbance, riot, sabotage, and war or any other such emergency as defined under Oregon Revised Statute, Chapter 401.

SECTION 10.01.030                      AUTHORITY OF COUNTY

Under the provisions of ORS Chapter 401, the authority and responsibility 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 program management functions to include, but not limited to, program development, fiscal management, coordination with nongovernmental agencies and organizations, public information, personnel training and development and implementation of exercises to test the system.

SECTION 10.01.040                      DECLARATION OF EMERGENCY

When, in judgment of the Board of County Commissioners, a state of emergency exists, they shall declare in writing and publicize the existence of same. At the earliest practical opportunity, a written declaration of emergency shall be adopted by the Board and made a part of the County's official

records. If circumstances prohibit the timely action of the Board of County Commissioners, the Chair of the Board may declare a state of emergency provided that the approval of a majority of the Board of County Commissioners is sought and obtained at the first available opportunity.

Upon that declaration of emergency, the Chair of the Board is empowered to assume centralized control of and have authority over all departments, divisions, and offices of Coos County in order to implement the provisions of this Ordinance. The state of emergency declared pursuant to this section shall specify the factors which warrant the exercise of emergency controls.

SECTION 10.01.050

SUCCESSION OF AUTHORITY

In the event that the Chair of the Board of Commissioners is unavailable to serve as set forth in Section 10.01.040, such authority shall succeed to the first available official in the following order of preference:

- (1) Vice Chair
- (2) Commissioner
- (3) Sheriff
- (4) Undersheriff
- (5) Criminal Division Lieutenant
- (6) Emergency Management Coordinator

SECTION 10.01.060

REGULATION AND CONTROL

Whenever a state of emergency has been declared to exist within unincorporated Coos County, or on the request of a municipality's governing body, the Board of County Commissioners, or the official acting pursuant to Section 10.01.050, is empowered to order and enforce the measures listed herein below. However, if circumstances prohibit the timely action of the Board of County Commissioners, the Chair 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 Chair's order will become null and void. Such emergency measures shall include but not be limited to:

- (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 be upon the public streets or other public places.
- (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) 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.

- (4) Evacuate persons from the area designated as an emergency area.
- (5) Close taverns or bars and prohibit the sale of alcoholic beverages throughout Coos County or a portion thereof.
- (6) Commit to mutual aid agreements.
- (7) Suspend standard competitive bidding procedures to obtain necessary goods, services and/or equipment, to respond to the emergency.
- (8) Redirect funds for emergency use.
- (9) Order such other measures as are found to be immediately necessary for the protection of life and/or property.

SECTION 10.01.070

ACQUISITION OF RESOURCES

Under this Section, the Board of County Commissioners is authorized to extend government authority to nongovernmental resources (i.e personnel, equipment) which may support regular government forces during an emergency and may enter into agreements with other public and private agencies for use of resources. When real or personal property is taken under power granted by this Section, the owner of the property shall be entitled to reasonable compensation. Under the provisions of ORS Chapter 401, state resources are available when the appropriate response to an emergency is beyond the capability of the county in which it occurs.

SECTION 10.01.080

PENALTY

- (1) Any person, firm, corporation, association or entity who violates any emergency measure taken by the Board of County Commissioners under authority of this Ordinance shall be subject, upon conviction, to a fine of not more than \$500 per offense.
- (2) Each day a violation shall be deemed a separate offense for purposes of imposition of penalty.
- (3) Where the Oregon Revised Statutes provide for a penalty for the act, commission or omission, the penalty prescribed herein shall be no greater than prescribed by said Oregon Revised Statutes.

SECTION 10.01.090

RESPONSIBILITY FOR EMERGENCY  
MANAGEMENT

In accordance with ORS 401, the Board of Commissioners of Coos County are responsible for emergency management. The

Board of Commissioners has delegated that responsibility to the Coos County Sheriff. The Emergency Management program will be managed by the Emergency Management Coordinator of the Sheriff's Office.

DIVISION TWO - CLOSURE OF ROADS DURING EMERGENCIES  
[Adopted November 3, 1999]  
[Previously numbered as Division Nine of Article Four]

SECTION 10.02.010                      POLICY AND PURPOSE

The Coos County Board of Commissioners finds that there is a need for Code provisions that will clearly establish when and who may close County Roads and Local Access Roads during local States of Emergency.

SECTION 10.02.020                      DEFINITIONS

As used in this Division, unless the context requires otherwise:

- (1) "Emergency" has that meaning provided in ORS 401.025(4), to-wit: "'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, contamination, utility or transportation emergencies, disease, blight, infestation, civil disturbance, riot, sabotage and war."
- (2) "State of Emergency" means a verbal or written declaration that an emergency has occurred or is imminent.
- (3) "Closure Order" means a verbal or written order issued by the Coos County Sheriff after the declaration of a local State of Emergency closing any County Road, Local Access Road or County Forest Road in Coos County as authorized by Section 04.09.040(1) or such other areas as authorized by Section 04.09.040(2).
- (4) "County Road" has that meaning provided in ORS 368.001(1), to-wit: "'County road' means a public road under the jurisdiction of a county that has been designated as a County Road under ORS 368.016."
- (5) "Local Access Road" has that meaning provided in ORS 368.001(3), to-wit: "'Local access road' means a public road that is not a county road, state highway or federal road."
- (6) "County Forest Road" means any non-public road owned or maintained wholly or in part by Coos County for access to the Coos County Forest.

SECTION 10.02.030

DECLARATION OF STATE OF EMERGENCY

- (1) A local State of Emergency may be declared after a determination is made that an Emergency has occurred or is imminent. A declaration of a 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) 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 were unsuccessful. If the situation presents such a grave risk of loss of life or serious physical injury as to require an immediate Closure Order, any of the below listed persons may declare 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.
  - (a) Chairperson of the Coos County Board of Commissioners.
  - (b) Vice-chairperson of the Coos County Board of Commissioners.
  - (c) Commissioner of the Coos County Board of Commissioners.
  - (d) Sheriff of Coos County.
  - (e) Criminal Division Lieutenant of the Coos County's Sheriff's Office.
  - (f) Coos County Emergency Management Coordinator.
  - (g) Shift Commander of the Coos County's Sheriff's Office.
- (3) As soon as practical after the declaration of a local State of Emergency, if not already terminated, the Coos 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.

SECTION 10.02.040

POWERS OF THE SHERIFF

Upon the declaration of a local State of Emergency, the Sheriff of Coos County, or the Sheriff's designee, shall have the following powers:

- (1) To issue a Closure Order closing to all persons

any County Road, Local Access Road or County Forest Road in Coos County. A Closure Order issued by the Sheriff, or the Sheriff's designee, shall close an area no larger than reasonably necessary to effectively respond to the Emergency.

- (2) To request other public agencies, private persons or private entities for permission to close roads, waterways or other property under their jurisdiction. After receiving such permission, the Sheriff may issue a Closure Order for such roads, waterways or other property.
- (3) To prohibit any person from travelling upon a road subject to a Closure Order pursuant to Section 04.09.040(1) or from entering or remaining in an area closed pursuant to Section 04.09.040(2).

SECTION 10.02.050

AFFECTED AREAS

Pursuant to ORS 203.040, except with the consent of the governing body or electors of a city, this Division shall not be applicable inside an incorporated city.