

**RESOLUTION NO. 1959**

**A RESOLUTION REPLACING RESOLUTION NO. 1589 AND PROVIDING FOR AUTHORITY TO DECLARE A STATE OF EMERGENCY AND IMPOSE EMERGENCY MEASURES.**

WHEREAS, Oregon Revised Statutes (ORS) 401.309 provides for cities to establish by ordinance or resolution "the conditions required for the declaration of a state of emergency within the jurisdiction and the agency or individual authorized to declare that a state of emergency exists"; and

WHEREAS, Oregon Revised Statutes (ORS) 401.305 et seq. grant general and specific powers to cities to respond to emergencies; and

WHEREAS, in August of 1999 the City Council adopted Resolution No. 1589 known as the "Wilsonville State of Emergency Resolution"; and

WHEREAS, since 1999 the City has participated in several emergency preparedness exercises and as a result has continued to refine and revised its emergency management program; and

WHEREAS, additions and clarifications to the "Wilsonville State of Emergency Resolution" would enable better coordination and implementation of emergency operations;

**NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:**

1. **Short Title.** This resolution replaces Resolution No. 1589 and shall be known as the "Wilsonville State of Emergency Resolution" and may be so cited and pled.
2. **Purpose.** The purpose of this resolution is to provide a procedure to minimize injury to persons, property, and the environment and to preserve the established civil authority in the event that a state of emergency exists within the City of Wilsonville. It is intended to grant as broad a power as permitted by statutory and constitutional authority.
3. **Definition of Emergency.** A state of emergency exists whenever any part of the City of Wilsonville is suffering or in imminent danger of suffering from a tornado, storm, flood, high water, wind-driven water, earthquake, volcanic eruption, landslide, mudslide, snow or ice storm, drought, fire, explosion, health hazard, infestation, toxic substance, civil disorder, disruption of community services, or any other catastrophe

whereby extraordinary measures must be taken to save lives; protect public health, safety and welfare; minimize destruction of property or the environment; or avert or lessen the threat of a major disaster.

4. **Authority.** Under Oregon Revised Statutes (ORS) Chapter 401, local jurisdictions have the authority and responsibility for responding to emergencies.

5. **Declaration of Emergency.**

A. When in the judgment of the City Council a state of emergency exists, the City Council shall so declare in writing and publicize the existence of same. If circumstances make it impractical or prohibitive for the City Council to take timely action, the Mayor may declare a state of emergency provided that the approval of a majority of the City Council is sought and obtained at the first available opportunity after order has been restored and the emergency has subsided. Ratification by a majority of the City Council shall be sought and obtained at the first available opportunity to confirm or amend the provisions of a declared state of emergency.

B. If the Mayor is unavailable for any reason, then the authority to declare an emergency shall pass to the Council President; if such person is unavailable for any reason, then to the City Manager (or person duly designated as Acting City Manager); if such person is unavailable, then to the order of succession as provided in the City's Emergency Management Plan. Ratification by a majority of the City Council shall be sought and obtained at the first available opportunity to confirm or amend the provisions of a declared state of emergency.

C. An emergency declaration shall state in writing:

- i. the nature of the emergency;
- ii. the geographic boundaries of the area which is subject to emergency controls; and
- iii. any special regulations or emergency powers imposed as a result of the declared emergency.

6. **Regulation and Control.** Whenever the circumstances arise upon which a state of emergency has been declared to exist within the City of Wilsonville, the powers,

actions, and authorities set forth in the City's Emergency Management Plan shall be in effect. The City Council is empowered to order and enforce the measures listed herein. However, if circumstances prohibit the timely action of the City Council, the Mayor, or his/her successor as set forth in Section 5, may order emergency measures, provided that approval from a majority of the City council is sought and obtained at the first available opportunity. Such emergency measures may include, but not be limited to:

- A. Redirect funds for emergency use.
- B. Suspend standard procurement procedures to obtain necessary goods, services and/or equipment. However, price gouging shall be prohibited. No person or business may sell or attempt to sell any goods or services for a price in excess of the "normal market price," which shall mean that person's or business's average of the regular price of the goods or services for the 30 days preceding the state of emergency.
- C. Implement mutual aid agreements.
- D. Turn off water, gas or electricity.
- E. Restrict, regulate or prohibit vehicular or pedestrian traffic for such distance or degree as may be deemed necessary under the circumstances.
- F. Enter or pass through private property for the purpose of responding to the emergency and/or for the conduct of damage assessment.
- G. Evacuate persons from the area designated as an emergency area.
- H. Establish a curfew during specified hours in specified locations.
- I. 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.
- J. Prohibit possession of weapons or explosives of any kind on public streets, public places or any outdoor place.
- K. Prohibit or restrict the sale of gasoline or other flammable liquids.
- L. Curtail or suspend commercial activity.
- M. Prohibit the sale of alcoholic beverages.

- N. Order such other measures as are found to be necessary for the protection of life, property, infrastructure, the environment, or for the recovery from the emergency.
7. **Acquisition of Resources.** Under this section, the City Council is authorized to extend government authority to non-governmental 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.
8. **Penalty.**
- A. Any person, firm, corporation, association or entity that violates any emergency measure taken by the City Council under authority of this Ordinance shall be subject, upon conviction, to a fine of not more than \$1,000.00 per offense.
- B. Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.
- C. 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.
9. **Responsibility for Emergency Management.** For the purpose of this resolution, in accordance with ORS Chapter 401, the emergency management agency of the City of Wilsonville shall be the Incident Management Team as set forth in the City's Emergency Response Guide.
10. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this resolution 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 portions of this resolution.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof  
this \_\_\_\_ day of \_\_\_\_, 2005, and filed with the Wilsonville City Recorder this same date.

---

CHARLOTTE LEHAN, Mayor

ATTEST:

---

Sandra C. King, MMC, City Recorder

**SUMMARY OF VOTES:**

Mayor Lehan  
Council President Kirk  
Councilor Knapp  
Councilor Holt  
Councilor Scott-Tabb

**APPENDIX D:**

**Resolution No. 1960**  
**Adopts National Incident Management**  
**System (NIMS) and Incident Command**  
**System (ICS)**

**RESOLUTION NO. 1959**

**A RESOLUTION REPLACING RESOLUTION NO. 1589 AND PROVIDING FOR AUTHORITY TO DECLARE A STATE OF EMERGENCY AND IMPOSE EMERGENCY MEASURES.**

WHEREAS, Oregon Revised Statutes (ORS) 401.309 provides for cities to establish by ordinance or resolution “the conditions required for the declaration of a state of emergency within the jurisdiction and the agency or individual authorized to declare that a state of emergency exists”; and

WHEREAS, Oregon Revised Statutes (ORS) 401.305 et seq. grant general and specific powers to cities to respond to emergencies; and

WHEREAS, in August of 1999 the City Council adopted Resolution No. 1589 known as the “Wilsonville State of Emergency Resolution”; and

WHEREAS, since 1999 the City has participated in several emergency preparedness exercises and as a result has continued to refine and revised its emergency management program; and

WHEREAS, additions and clarifications to the “Wilsonville State of Emergency Resolution” would enable better coordination and implementation of emergency operations;

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

- 1. Short Title.** This resolution replaces Resolution No. 1589 and shall be known as the “Wilsonville State of Emergency Resolution” and may be so cited and pled.
- 2. Purpose.** The purpose of this resolution is to provide a procedure to minimize injury to persons, property, and the environment and to preserve the established civil authority in the event that a state of emergency exists within the City of Wilsonville. It is intended to grant as broad a power as permitted by statutory and constitutional authority.
- 3. Definition of Emergency.** A state of emergency exists whenever any part of the City of Wilsonville is suffering or in imminent danger of suffering from a tornado, storm, flood, high water, wind-driven water, earthquake, volcanic

eruption, landslide, mudslide, snow or ice storm, drought, fire, explosion, health hazard, infestation, toxic substance, civil disorder, disruption of community services, or any other catastrophe whereby extraordinary measures must be taken to save lives; protect public health, safety and welfare; minimize destruction of property or the environment; or avert or lessen the threat of a major disaster.

**4. Authority.** Under Oregon Revised Statutes (ORS) Chapter 401, local jurisdictions have the authority and responsibility for responding to emergencies.

**5. Declaration of Emergency.**

A. When in the judgment of the City Council a state of emergency exists, the City Council shall so declare in writing and publicize the existence of same. If circumstances make it impractical or prohibitive for the City Council to take timely action, the Mayor may declare a state of emergency provided that the approval of a majority of the City Council is sought and obtained at the first available opportunity after order has been restored and the emergency has subsided. Ratification by a majority of the City Council shall be sought and obtained at the first available opportunity to confirm or amend the provisions of a declared state of emergency.

B. If the Mayor is unavailable for any reason, then the authority to declare an emergency shall pass to the Council President; if such person is unavailable for any reason, then to the City Manager (or person duly designated as Acting City Manager); if such person is unavailable, then to the order of succession as provided in the City's Emergency Management Plan. Ratification by a majority of the City Council shall be sought and obtained at the first available opportunity to confirm or amend the provisions of a declared state of emergency.

C. An emergency declaration shall state in writing:

- i. the nature of the emergency;



- ii. the geographic boundaries of the area which is subject to emergency controls; and
- iii. any special regulations or emergency powers imposed as a result of the declared emergency.

**6. Regulation and Control.** Whenever the circumstances arise upon which a state of emergency has been declared to exist within the City of Wilsonville, the powers, actions, and authorities set forth in the City's Emergency Management Plan shall be in effect. The City Council is empowered to order and enforce the measures listed herein. However, if circumstances prohibit the timely action of the City Council, the Mayor, or his/her successor as set forth in Section 5, may order emergency measures, provided that approval from a majority of the City council is sought and obtained at the first available opportunity. Such emergency measures may include, but not be limited to:

- A. Redirect funds for emergency use.
- B. Suspend standard procurement procedures to obtain necessary goods, services and/or equipment. However, price gouging shall be prohibited. No person or business may sell or attempt to sell any goods or services for a price in excess of the "normal market price," which shall mean that person's or business's average of the regular price of the goods or services for the 30 days preceding the state of emergency.
- C. Implement mutual aid agreements.
- D. Turn off water, gas or electricity.
- E. Restrict, regulate or prohibit vehicular or pedestrian traffic for such distance or degree as may be deemed necessary under the circumstances.
- F. Enter or pass through private property for the purpose of responding to the emergency and/or for the conduct of damage assessment.
- G. Evacuate persons from the area designated as an emergency area.
- H. Establish a curfew during specified hours in specified locations.
- I. 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.

- J. Prohibit possession of weapons or explosives of any kind on public streets, public places or any outdoor place.
- K. Prohibit or restrict the sale of gasoline or other flammable liquids.
- L. Curtail or suspend commercial activity.
- M. Prohibit the sale of alcoholic beverages.
- N. Order such other measures as are found to be necessary for the protection of life, property, infrastructure, the environment, or for the recovery from the emergency.

**7. Acquisition of Resources.** Under this section, the City Council is authorized to extend government authority to non-governmental 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.

**8. Penalty.**

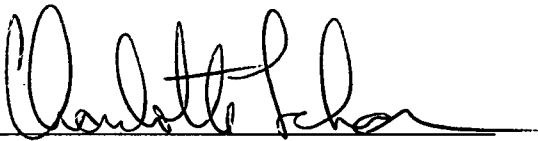
- A. Any person, firm, corporation, association or entity that violates any emergency measure taken by the City Council under authority of this Ordinance shall be subject, upon conviction, to a fine of not more than \$,1000.00 per offense.
- B. Each day of violation shall be deemed a separate offense for purposes of imposition of penalty.
- C. 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.

**9. Responsibility for Emergency Management.** For the purpose of this resolution, in accordance with ORS Chapter 401, the emergency management

agency of the City of Wilsonville shall be the Incident Management Team as set forth in the City's Emergency Response Guide.

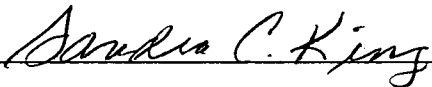
**10. Separability.** If any section, subsection, sentence, clause, phrase or portion of this resolution is, for any reason, held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 3<sup>rd</sup> day of October, 2005, and filed with the Wilsonville City Recorder this same date.



CHARLOTTE LEHAN, Mayor

ATTEST:



Sandra C. King, MMC, City Recorder

**SUMMARY OF VOTES:**

Mayor Lehan	Yes
Council President Kirk	Yes
Councilor Knapp	Yes
Councilor Holt	Yes
Councilor Scott-Tabb	Yes