

ORDINANCE No.

04-14

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

The County Legislative Body of the County of Daggett ordains as follows:

**Article 1. Disaster Response and Emergency Management**

**1-1. Legislative Findings - Purpose.**

- (a) The Board of County Commissioners find 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 county, and it is therefore necessary to grant to the Board of County Commissioners special emergency disaster authority. Pursuant to Sections 63-5a-4 and 63-5a-11, Utah Code Annotated, 1953, as amended, the Board of County Commissioners 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.
- (b) It is the purpose of this ordinance to assist the commission to effectively provide emergency disaster response and recovery assistance in order to protect the lives and property of the people of this county.

**1-2. Definitions.**

- (a) "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.
- (b) "Attack" means a nuclear, conventional, biological, or chemical warfare action against the United States of America or this State.
- (c) "Internal Disturbance" means riot, prison break, disruptive terrorism or strike.
- (d) "Natural Phenomenon" means any earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, drought, or epidemic.
- (e) "Technological Hazard" means any hazardous materials accident, mine accident, truck wreck, air crash, radiation incident, pollution, chemical weapons incident, structural fire or explosion.
- (f) "Local Emergency" means a condition in any area of the county which requires that

emergency assistance be provided by the county or the affected political subdivision to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster.

- (g) "Emergency Operations Plan" means the formal plan compiled by the Emergency Manager and approved by the Commission providing emergency operations procedures to be used during a disaster.

**1-3. Emergency Disaster Council created.**

- (a) An Emergency Disaster Council is created to provide advice to the Board of County Commissioners on matters relating to local government emergency disaster response and recovery actions.

- (a-1) The Council shall meet at the direction of the board of County Commissioners.

- (a-2) The County Director of Emergency Management shall serve on the Emergency Disaster Council as Chairman.

- (b) The Emergency Disaster Council is comprised of the following:

- (b-1) County Commissioners;

- (b-2) Emergency Manager;

- (b-3) Sheriff;

- (b-4) Public Works;

- (b-5) Health Department representative;

- (b-6) County Assessor;

- (b-7) County Recorder;

- (b-8) County Treasurer;

- (b-9) County Clerk

- (b-10) Auditor

- (b-11) County Building Official

- (b-12) Others as appointed by the Commission;

**1-4 Local Emergency Declaration.**

- (a) A "local emergency declaration" may be declared by the chairman of the Board of County Commissioners if the chairman finds a disaster has occurred or the occurrence or threat of a

disaster is imminent in any area of the county in which county government response or recovery is required or assistance is required to supplement the response and recovery of any subdivision of the county. 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 board of County Commissioners. All declarations or orders issued under this ordinance shall include:

- (a-1) the nature of the "local emergency";
- (a-2) the area or areas being threatened;
- (a-3) the conditions creating such an emergency or those conditions allowing termination of the "local emergency";
- (a-4) the number or quantity of resources or assistance needed.
- (b) Any order or proclamation declaring, continuing, or terminating a "local emergency" shall be filed promptly with the County Clerk.
- (c) When the Chairman of the Board of County Commissioners or the Board of County Commissioners declares a disaster or emergency, the county's emergency response will operate as outlined in the County Emergency Operations Plan.

**1-5 Political Subdivisions of the county – declaration of a "local emergency".**

- (a) A declaration of "local emergency" by any political subdivision of Daggett County is official recognition that a disaster situation exists within the affected political subdivision and provides a legal basis for requesting and obtaining State or Federal Government disaster assistance.
- (b) Notice of any "local emergency" declared by any political subdivision shall be promptly delivered to the Daggett County Emergency Manager, or any member of the Board of County Commissioners.
- (c) 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".
- (d) The county Emergency Manager shall direct the request for assistance to the State Division of Emergency Services and Homeland Security, following a county local emergency declaration, coordinate other local agency assistance and available resources.
- (e) During any disaster where local, State or Federal assistance is required, the County

Emergency Manager shall direct and coordinate such assistance.

- (f) All requests for outside assistance and resources shall be coordinated through the Emergency Manager.
- (g) If more than one municipality and/or the county declares a local emergency during the same period of time, a "Unified Command Committee" shall be formed. The "Unified Command Committee" shall include a representative from each of the affected jurisdiction they represent. The representatives shall have the authority to make decisions for the jurisdiction they represent.

**1-6 Authority of the Board of County Commissioners.**

The Board of County Commissioners, during the declared "local emergency", is authorized and empowered to:

- (a) enact laws, rules, and regulations or suspend any law, rule, or regulation when necessary to save human life and protect property;
- (b) utilize all available resources as reasonably necessary to cope with the emergency;
- (c) suspend Daggett county rules regarding overtime restrictions and personnel use allowing Department Heads to utilize personnel as necessary to answer the challenges of the emergency presented to each department;
- (d) employ measures and give direction to county and local officials and agencies which are reasonable and necessary for the purpose of securing compliance with the provisions of this ordinance, and with orders, rules and regulations made pursuant to this ordinance;
- (e) approve and advise the evacuation of all or part of the population from a stricken or threatened area within the county if necessary for the preservation of life;
- (f) approve routes, modes of transportation and destination in connection with evacuation;
- (g) in connection with evacuation suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, or other hazardous materials;
- (h) 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;
- (i) establish curfews for the protection of life and property in the affected areas;
- (j) establish price freezes to prohibit the practice of "price - gouging" for items in short supply or high demand in the affected area;

- (k) establish the ration of critical supplies necessary to sustain life;
- (l) clear or remove from publicly or privately owned land or water, debris or wreckage which may threaten public health or public safety.
- (m) 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 Board of County Commissioners shall have the full force and effect of law during the "local emergency", provided a copy thereof is filed with the County Clerk.

**1-8 Acquisition of property for public use.**

(a) Upon proclamation of the "local emergency" the Board of County Commissioners may purchase or lease public or private property for public use including:

- (a-1) food;
- (a-2) medical supplies;
- (a-3) clothing;
- (a-4) shelter;
- (a-5) means of transportation;
- (a-6) fuels and oils;
- (a-7) buildings or land.

(b) 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 Board of County Commissioners is authorized to execute an interlocal agreement or compact on behalf of this county with any county or municipality concerning matters relating to a disaster affecting or likely to affect this county.

**ARTICLE 2. EMERGENCY INTERIM SUCCESSION.**

**2-1 Title.**

This Article shall be known as the Emergency Interim Succession Act.

**2-2 Definitions.**

(a) "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.

- (b) "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.**

- (a) On January 1 of each year, each Department Head, with the exception of the County Commissioners, shall:

- (a-1) designate three qualified emergency interim successors from within his or her department who meet the constitutional qualifications for the office, if any;

- (a-2) specify the order of their succession;

- (a-3) provide a list of those designated successors to the Emergency Manager.

- (b) If any Department Head is unavailable following a "disaster" or "local emergency", and if his or her deputy, if any, is not available a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by the officer until:

- (b-1) the Board of County Commissioners appoints a successor to fill the position;

- (b-2) a permanent successor is appointed or elected by law;

- (b-3) the officer, his or her deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise or resume the powers of the office.

- (c) Emergency interim successors shall exercise the powers of the office which they succeeded only when a disaster has occurred or has been declared.

- (c-1) Successors may only serve for 30 days after the date of the local emergency declaration unless approved by the Board of county Commissioners.

- (c-2) Extension of emergency powers shall be by the authority of the Board of County Commissioners and only during the time of the disaster and recovery operations.

- (c-3) The Chairman of the Board of County Commissioners, or his or her successor as set forth in paragraph (d) below, shall settle all disputes concerning emergency interim successors.

Decisions of the Chairman or his or her successor are final.

- (d) Emergency succession of the Chairman of the Board of County Commissioners shall proceed as follows when a disaster response is occurring or imminent:

- (d-1) The Chairman shall serve, if available.

(d-2) If the Chairman is unavailable, the designated County Commissioner succession shall prevail, ie. In alphabetical order according to county seat designation, being A, B, or C seat.

(d-3) If no Commissioner is available the designated emergency interim successors shall exercise the powers and duties of the office only until:

- i. The vacancy is filled in accordance with the constitution or statutes; or
- ii. A commissioner or commissioners of office become available to exercise the powers and duties of the office.

**Section 2.** This ordinance shall become effective after its passage and upon being posted at three different locations in Daggett County.

APPROVED and ADOPTED this 18... Day of May, 2004

**BOARD OF COUNTY COMMISSIONERS**

**DAGGETT COUNTY, UTAH**

**VOTE**

*Stewart Leith*  
.....

..... **AYE** .....

Stewart Leith, Commissioner

*Craig W. Collett*  
.....

..... **AYE** .....

Craig W. Collett, Commissioner

*Chad L. Reed*  
.....

..... **AYE** .....

Chad L. Reed, Chairman



By *Daisy McKee* .....