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Bill #881

3349008

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November													X							X												

PROOF OF PUBLICATION

STATE OF NEVADA, SS. Rita B. Lee
COUNTY OF WASHOE

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice of County Ordinance

of which a copy is hereto attached, was first published in said newspaper in its issue dated the 13th day of Nov, 1986 and, Nov 20, the full period of 2 days, the last publication thereof being in the issue of November 20, 1986.

Signed Rita B. Lee

Subscribed and sworn to before me this

20th day of November 1986

Alice L. Buffalo
Notary Public

ALICE L. BUFFALO
Notary Public - State of Nevada
Appointment Recorded In Washoe County
MY APPOINTMENT EXPIRES JUNE 5, 1989

PUBLIC NOTICE

NOTICE OF COUNTY ORDINANCE
NOTICE IS HEREBY GIVEN that Bill No. 881, Ordinance No. 706, entitled "An ordinance amending the Washoe County Code by revising provisions pertaining to the Office of Emergency Management," was adopted on November 7, 1986, by Commissioners King, Lillard, McDowell, Ritter and Williams.

Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.

Judi Bailey
County Clerk

3349008-Bill #881
Nov 13,20-r133

SUMMARY: Amends the Washoe County Code by revising provisions pertaining to the Office of Emergency Management.

BILL NO. 881

ORDINANCE NO. 706

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING PROVISIONS PERTAINING TO THE OFFICE OF EMERGENCY MANAGEMENT.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 65 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this ordinance.

SECTION 2.

65.260 Definitions. As used in sections 65.265 to 65.320, inclusive, unless the context otherwise requires:

1. "Board" means the board of county commissioners.
2. "Department" means the department of emergency management.
3. "Director" means the director of the department.
4. "Disaster" means an emergency which is so severe or widespread that it is beyond the ability of local governments or private relief agencies to alleviate the damage, loss, hardship or suffering caused thereby.
5. "Emergency" means any man-made or natural event or circumstance causing or threatening loss of life, injury to person 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 events include, but are not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills of oil or other hazardous substances, disease, blight, infestation, disruption of utility or transportation service, civil disturbance, riot, sabotage and war. An emergency can exist without an official declaration of a state of emergency.
6. "Emergency management" means all tasks and activities necessary to coordinate and maintain the emergency services system.
7. "Emergency services" includes those activities provided by state or local government, private agencies, and organizations with emergency operational responsibilities to prepare for and carry out any activity to prevent, minimize, respond to or recover from an emergency. These activities include, without limitation, coordination, planning, training, inter-

agency liaison, fire fighting, hazardous substance management, law enforcement, medical, health and sanitation services, engineering and public works, search and rescue activities, public warning and information, damage assessment, administration and fiscal management.

8. "Emergency services agency" means an organization within the emergency services system which performs essential services for the public's benefit before, during or after an emergency. This term includes, but is not limited to, organizational units within local governments such as law enforcement, fire control, health, medical and sanitation services, public works and engineering, social services and public information and communications.

9. "Emergency services system" means that system composed of federal, state and local governmental agencies and private agencies and organizations involved in the coordinated delivery of emergency services.

10. "Emergency service worker" means a person who performs emergency services and who is subject to the order or control of, or who performs the services pursuant to a request of, an emergency service agency or the department of emergency management.

SECTION 3.

65.265 Creation of Washoe County department of emergency management: Purpose.

1. There is hereby created the Washoe County department of emergency management.

2. The purpose of the department is to provide for the safety, welfare and protection of the people and property within Washoe County in a disaster or emergency through organized emergency operations, and to coordinate those operations with appropriate public authorities, private persons, business associations and other organizations.

SECTION 4.

65.270 Director of department of emergency management: Position created; appointment; powers and duties.

1. The position of director of the department of emergency management is hereby created. The director shall be appointed by the board upon the recommendation of the county manager. The director serves at the pleasure of the board and is entitled to a salary to be fixed by the board.

2. The director shall oversee all functions of the

department and shall supervise employees which the board authorizes to be employed by the county and assigns to the department.

3. The director may:

(a) Represent the board of county commissioners on all matters pertaining to emergency management.

(b) Require and direct cooperation of county officials in the preparation and implementation of emergency management plans.

4. The director shall submit a budget to the board for its approval in accordance with the rules applicable to other county departments. Except during an emergency, the director shall operate the department within that budget and comply with county purchasing procedures.

SECTION 5.

65.275 Duties of the department. The department shall:

1. Establish an organization for emergency management operations, utilizing for this purpose federal, state, county, city, public and private resources.

2. Prepare an emergency operations plan and an emergency resource management plan that is in support of and consistent with any other county, city, state and federal emergency plan.

3. Designate and prepare operating procedures for an emergency operations center from which centralized direction and control of the emergency services system may be exercised.

4. Test the emergency services system by conducting drills and take such other steps as may be necessary to develop the system to effectuate the purposes of sections 65.260 to 65.320, inclusive.

5. Collaborate with other public and private agencies to develop mutual aid arrangements for reciprocal emergency management aid and assistance in case of an emergency or disaster. Such arrangements shall be consistent with all county, city, state or federal emergency management plans and programs.

6. Recommend to the board any ordinance, policies, or procedures which would assist the board and other county officials in the performance of their duties in preparing for, responding to and recovering from an emergency or disaster.

7. Perform such functions outside of the county as required under mutual aid agreement or as authorized by the county manager.

8. Implement the emergency disaster plan during local emergencies.

SECTION 6.65.280 Declaration of emergency; procedure.

1. If the board determines that a state of emergency exists, it shall declare in writing that an emergency exists and shall publicize the existence of the emergency. If circumstances prohibit timely action by the board, the county manager may declare a state of emergency and seek the ratification of that declaration by a majority of the board at the next lawful meeting of the board. If the board fails to ratify the action of the county manager, the state of emergency ceases to exist.

2. Upon such declaration, the county manager is empowered, except as prohibited by law, to assume centralized control of and have authority over all departments, divisions, and offices of the county in order to implement the provisions of this code.

3. The board or county manager shall terminate the state of emergency when the emergency no longer exists or the threat of an emergency has passed.

SECTION 7.65.285 Emergency powers of director.

1. At the inception of and during a disaster or emergency, the director:

(a) Shall implement the emergency disaster plan and may direct and control such other county employees as are required to implement the plan.

(b) May, through requisition or contract with private parties or other governmental entities, obtain vital services, supplies and equipment needed to protect life and property and implement the plan, and may bind the county for the value thereof without being required to comply with the normal purchasing procedures if compliance with those procedures would unreasonably hamper or impair the implementation of the plan.

(c) May suspend the licensing requirements for persons whose services are required for implementation of the emergency plans.

2. The emergency powers granted the director under this section may be revoked, limited or restricted by order of the board.

SECTION 8.65.290 Emergency regulation and control.

1. If a declared state of emergency exists within the county, the board may, if it deems it necessary to maintain peace and protect the public, order and enforce the measures listed in subsection 2. If circumstances prohibit the timely action of the board,

the county manager may, under the same circumstances, order the emergency measures listed in subsection 2 and shall report his actions to the board at its next regularly scheduled meeting.

2. Subject to the limitations imposed by subsection 1, the board or county manager may:

(a) Establish a curfew for the area designated as an emergency area which fixes the hours during which persons other than officially authorized personnel may be upon the public streets or other public places.

(b) 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.

(c) Barricade streets and roads, as well as access points onto streets and roads, and prohibit or restrict vehicular or pedestrian traffic in the area.

(d) Prohibit the sale, distribution or giving away of gasoline or any other flammable or combustible product in any container except a gasoline tank properly affixed to a motor vehicle, or a type of container generally used in connection with normal home use or legitimate commercial use.

(e) Order the closing of all or portions of gasoline stations and other establishments which sell, distribute or dispose of liquid flammables or combustible products.

(f) Order the closing of retail intoxicating liquor stores.

(g) Prohibit the sale of intoxicating liquor.

(h) Prohibit the sale, distribution or giving away of firearms or ammunition.

(i) Order the closing of any or all establishments or portions thereof which sell, distribute, dispense or give away firearms, ammunition or explosives.

(j) Enter into contracts and incur obligations necessary to mitigate, prepare for, respond to or recover from emergencies or disasters.

(k) Redirect funds for emergency use.

(l) Suspend standard procurement procedures to obtain necessary services or equipment.

(m) Commit to mutual aid agreements.

(n) Perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

SECTION 9.

65.295 Removal of debris: Power of director.

1. To the extent necessary during or after the existence of a declared emergency or disaster, the director of the county's public works department may

remove debris which threatens the public health or safety. In exercising this power, he may:

(a) Use county departments, mutual aid agreements with other governmental entities or, if necessary, private resources.

(b) Accept funds from the federal government or the state and utilize those funds for the purpose of removing such debris.

2. Debris which exists on county-owned property may be removed at county expense, provided that the expense of removing any debris caused by the negligent or intentional act of any person may be recovered from that person.

3. The public works director may order that debris which exists on privately-owned property be removed by the owner of the property or the person responsible for the property at the owner's or other person's expense. Each order must specify the nature of the threat to the public and the minimum quantity of debris which must be removed to eliminate the threat. During an emergency, the order is effective when orally conveyed to the owner or other person responsible for the property. At all other times a written order must be made, and is effective only upon approval by the board and service upon the owner or other persons responsible for the property.

4. Upon the failure of a person to comply with an order described in subsection 3, the public works director may remove or cause the removal of the debris. The owner of the property or the person responsible for the property is liable to the county for the costs incurred.

5. When immediate emergency measures are determined necessary for protection of public health and safety, or public or private property, and oral or written authorization cannot be obtained from the owner or other person responsible for the property, the public works director may authorize the entry upon the public or private lands or waters and perform such tasks necessary to the emergency removal or clearance operations.

SECTION 10.

65.300 Eligibility of emergency service worker for benefits for injury sustained in emergency service.
An emergency service worker may apply for and may receive such benefits as are provided in chapters 616 and 617 of NRS for an injury sustained in emergency service performed within or without the county.

SECTION 11.

65.305 Payment of worker's compensation premiums. Premiums for worker's compensation coverage for emergency service workers must be paid for by the emergency service agency that accepts the services of the emergency service worker.

SECTION 12.

65.310 Succession of authority. If the manager is unavailable or otherwise unable to perform his duties, the succession of authority shall be:

1. First, the assistant county manager.
2. Second, the director of public works.

SECTION 13.

65.315 Emergency management personnel: Oath.

1. A person shall not be employed or associated in any capacity in the department of emergency management if he advocates or has advocated a change by force or violence in the constitutional form of the government of the United States or this state or the overthrow of any government in the United States by force or violence, or if he has been convicted of or is under indictment or information charging any subversive act against the United States.

2. Each person who is appointed to serve in the department of emergency management must, before entering upon his duties, take an oath, in writing, before a person authorized to administer oaths in this state, which oath must be substantially as follows:

I _____, do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the State of Nevada against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

And I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the Washoe County department of emergency management, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence.

SECTION 14.

65.320 Unlawful acts; penalties. It is unlawful during an emergency or disaster for any person to:

1. Willfully obstruct, hinder or delay any member of the department or other person acting pursuant to the authority granted under sections 65.260 to 65.315, inclusive, in the enforcement of any order issued pursuant those sections, or in the performance of any duty imposed upon him by virtue of those sections.

2. Do any act forbidden by any order issued pursuant to sections 65.260 to 65.315, inclusive, of this ordinance, if such act is of such a nature as to give assistance to the enemy or to imperil the life or property of any person within Washoe County or to prevent, hinder or delay the defense or protection thereof.

3. Wear, carry or display without authority any mark or identification specified by the department.

SECTION 15. Sections 5.460 to 5.530, inclusive, of the Washoe County code are hereby repealed.

Proposed on the 14th day of October, 1986.

Proposed by Commissioners Williams.

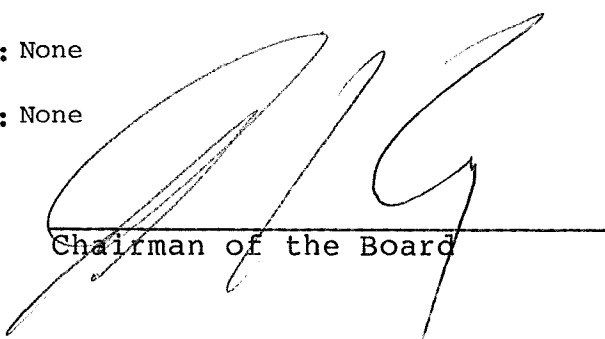
Passed on the 7th day of November, 1986.

Vote:

Ayes: Commissioners: Lillard, McDowell, King, Ritter, Williams

Nays: Commissioners: None

Absent: Commissioners: None



Chairman of the Board

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after the 20th day of November, 1986.