

CHAPTER NINETEEN
LOCAL DISASTER OR EMERGENCY

ARTICLE 1 – Local Disaster or Emergency

- 19.0101 Intent
- 19.0102 Definitions
- 19.0103 Powers
- 19.0104 Location of Governing Body Meetings and Departments
- 19.0105 Mutual Aid Agreements
- 19.0106 Authority to Enter Property
- 19.0107 Scope and Application

ARTICLE 2 – Emergency Funds

- 19.0201 Emergency Funds

ARTICLE 3 – Penalty

- 19.0301 Penalty

CHAPTER NINETEEN

LOCAL DISASTER OR EMERGENCY

ARTICLE 1 – Local Disaster or Emergency

19.0101 Intent

It is the intent of this chapter to provide the necessary organization, powers, and authority to enable the timely and effective use of all available city resources to prepare for, respond to, and recover from disasters and/or emergencies, natural and manmade, likely to affect the health, security, safety, or property of the city and its residents, whether such events occur within or without the corporate limits of the city.

19.0102 Definitions

- a. Disaster, whether natural or manmade, shall include, but not be limited to, flood; fire, tornado, earthquake, severe high or low temperatures, water, land or air contamination, blizzard, landslide, mudslide, building or structural collapse, high water table, water pollution, air pollution, epidemic, pandemic disease, riot, blight, drought, civil emergency, utility emergency, severe energy shortages, snow, ice, windstorm, hazardous or toxic substance spills or release, chemical spills or releases; petroleum spills or releases, biological material spills or releases, radiation releases or exposure, structural failure, public health emergency, infestation, explosions, or accidents.
- b. Civil emergency shall include, but not be limited to, any condition of unrest, riot, civil disobedience, unlawful assembly, terrorism or sabotage.
- c. Utility emergency shall include, but not be limited to, conditions which endanger or threaten to endanger the safety, potability, availability, transmission, distribution treatment, or storage of water, natural gas, gas, fuel, or electricity.

19.0103 Powers

- a. The mayor of the city of Pembina is authorized, if the mayor finds the city or any part of thereof is suffering or is in imminent danger of suffering a natural or manmade disaster, civil or utility emergency, to declare a local disaster or emergency and take the following procedural actions including, but not limited to:
 1. Suspend, limit, cancel, convene, reschedule, postpone, continue or relocate all meetings of the city council, and any city committee, commission, board, authority, or other city body as deemed appropriate by the mayor.
 2. Suspend or limit the sale, distribution, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustible products and require the closing of those businesses or parts of businesses insofar as the sale, distribution, dispensing, or transportation of these items are concerned.
 3. Establish a curfew during such hours of the days or nights and affecting such categories of persons as may be designated.
 4. Require the closing of business establishments.
 5. Prohibit the sale or distribution within the city of any products which could be employed in a manner which would constitute a danger to public safety.
 6. Close any and all streets, alleys, sidewalks, bike paths, public parks, or public ways
 7. Temporarily suspend or modify, for not more than 60 days, any regulation or ordinance of the city, including, but not limited to, those regarding health, safety, and zoning. This period may be extended upon approval of the city council.
 8. Require the continuation, termination, disconnection, limitation or suspension of natural gas, electrical power, water, sewer, or other public utilities or services.

9. Control, restrict, allocate, or regulate the use, sale, production, or distribution of food, water, fuel, clothing, and/or other commodities, materials, goods, services, and resources.
10. Suspend or limit burning of any items or property within the city limits and up to two miles outside the corporate limits.
11. Require emergency services of any city officer or employee. If regular city forces are determined to be inadequate, then to acquire the services of such other personnel as the mayor can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities as are provided by state law to other registered and identified disaster emergency workers.
12. Utilize all available resources of the city as reasonably necessary to manage the disaster or emergency.
13. Evacuate all or part of the population from any stricken or threatened areas within the city if the mayor deems this action is necessary for the preservation of life, property, or other disaster or emergency mitigation, response or recovery and to prescribe routes, modes of transportation and destination in connection with an evacuation.
14. Purchase or lease materials, supplies, or equipment during the local disaster or emergency, and to authorize any or all agencies or city officials to directly purchase or lease those materials, supplies, or equipment essential to continue the work of the city involved without the advertisement of bids. Purchases or leases exceeding the amount of \$10,000.00 shall require prior approval by the city auditor.
15. Hire and/or contract for construction, engineering, architectural, building, electrical, plumbing, and/or other professional or construction services essential to the continuation of the activities of the city without the advertisement for bids or compliance with procurement requirements. Such contracts shall not exceed \$10,000.00 without prior approval having been given by the city auditor.
16. Make application for local, state, or federal assistance.
17. Establish and control routes of transportation, ingress and egress.
18. Control ingress and egress from any designated disaster or emergency area or homes, buildings, structures, or areas located therein.
19. Subject to any requirements established by law for compensation, utilize private property as necessary to cope with emergency or disaster conditions.
20. Appropriate and expend funds, exclude contracts, authorize the obtaining and acquisition of property, equipment, services, supplies, and materials without strict compliance with procurement regulations or procedures.
21. Transfer the direction, personnel, or functions of city departments and agencies for the purpose of performing or facilitating emergency or disaster services.
22. Accept services, gifts, grants, loans, equipment, supplies, and/or materials whether from private, nonprofit or governmental sources.
23. Order the isolation, quarantine, or segregation of persons or animals when reasonably necessary to prevent the introduction or transmission of infectious or contagious agents or toxins. Any such isolation or quarantine must be by the least restrictive means necessary to prevent the exposure, transmission, or spreading of a communicable or potentially communicable disease, agent, or toxin to others and may include, but is not limited to, confinement to private homes or other private or public premises.

24. Terminate or suspend any process, operation, machine, device, or event that is or may negatively impact the health, safety, and welfare of persons or property within the city.
25. Delegate authority to such city officials as the mayor determines reasonably necessary convenient or expedient.
26. Close or cancel the use of any municipally owned or operated building or other public facility.
27. Exercise such powers and functions in light of the exigencies of emergency or disaster including the waiving of compliance with any time-consuming procedures and formalities including notices as may be prescribed by law.
28. Remove, demolish, abate, clean up, mitigate, decontaminate, or disinfect any structure, debris, wreckage, site, or location or to otherwise mitigate the effects of any emergency or disaster.
29. To insure any and all such orders or undertake such other functions and activities as the mayor reasonably believes is required or appropriate to protect the health, safety, and welfare of persons or property within the city.

b. The declaration shall be promptly filed with the city auditor and the public shall be notified through general publicity of said declaration.

c. The declaration of a local disaster or emergency shall be in effect for a period of up to 30 days. This period may be extended only upon approval of the city council.

d. If the mayor is unavailable, the president of the city council shall have said authority, followed by the vice president of the city council, and then followed by the most senior ranked member of the city council.

19.0104 Location of governing body meetings and departments.

- a. Whenever an emergency or disaster makes it imprudent or impossible to conduct the affairs of the city at its regular locations, the governing body may meet at any place, inside or outside of the city limits. Any temporary disaster meeting location for the governing body shall continue until a new location is established or until the emergency or disaster is terminated and the governing body is able to return to its normal location.
- b. Whenever an emergency or disaster makes it imprudent or impossible to conduct the affairs of any department of the city at its regular location, such department may conduct its business at any place, inside or outside the city limits, and may remain at the temporary location until the emergency or disaster is declared ended or until the department is able to return to its normal location.
- c. Any official act or meeting required to be performed at any regular location of the governing body or of its departments shall be valid when performed at any temporary location established under this section.

19.0105 Mutual aid agreements

- a. The mayor may, on behalf of the city, enter into such reciprocal aid, mutual aid, joint powers agreements, intergovernmental assistance agreements, or other compacts, plans, or agreements with other governmental entities for the protection of life and property. Such agreements may include the furnishing or exchange of supplies, equipment, facilities, personnel, and/or services.
- b. The governing body or any of its committees, commissions, or authorities may exercise such powers and functions in light of the exigencies of the emergency or disaster and may waive compliance with time consuming procedures and formalities prescribed by law.

19.0106 Authority to enter property

During the period of a declared emergency or disaster, a city employee or authorized agent may enter onto or upon private property if the employee or authorized agent has reasonable grounds to believe that there is a true emergency or disaster and an immediate need for assistance for the protection of life or property, and that entering onto the private land will allow the employee or authorized agent to take such steps to alleviate or minimize the emergency or disaster or to prevent or minimize risk or danger to lives or property from the declared emergency or disaster.

19.0107 Scope and application

The provisions of this section shall apply to all executive, legislative, and judicial branches, powers, and functions conferred upon the city and its officers, employees, and authorized agents.

ARTICLE 2 – Emergency Funds

19.0201 Emergency Funds

1. The city council may levy a tax annually for snow removal, natural disaster, or other emergency conditions not exceeding the limitation contained in N.D.C.C. § 57-15-10.
2. All funds collected by and through the foregoing levy shall be paid into the city treasury and shall be made available only to defray costs of snow removal, natural disaster, or other emergency conditions.
3. The balance of any unexpended emergency funds raised may be allowed to accumulate without limitation.

ARTICLE 3 – Penalty

19.0301 Penalty

Any person, firm or corporation violating any of the terms or provisions of this disaster emergency act shall upon conviction be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed 30 days or by both such fine and imprisonment.