

Local Law Filing

*New York State Department of State
162 Washington Avenue, Albany, NY 12231*

(Use this form to file a Local Law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

COUNTY OF LEWIS

Local Law No. 4 of the Year 2004

A LOCAL LAW ESTABLISHING EMERGENCY AND DISASTER PLANNING PROCEDURES FOR LEWIS COUNTY

(Insert Title)

BE IT ENACTED by the Board of Legislators of the County of Lewis, as follows:

- Section 1: Legislative Findings: The Board of Legislators hereby finds that it is necessary and prudent to provide for the development and implementation of emergency and disaster plans and procedures in order to minimize the effect of such emergencies and/or disasters (whether man-made or natural) by identifying appropriate local measures to prevent such emergencies and/or disasters, develop mechanisms to coordinate the use of local resources and manpower for service during and after such emergencies and/or disasters and provide for recovery and redevelopment.
- Section 2: Legal Authority: This Local Law is authorized by Executive Law Art 2-B, General Municipal Law Sections 209-f and 209-m and Municipal Home Rule Law Section 10.
- Section 3: Definitions: As used in this local law the following terms shall have the following meanings:
- a. "Disaster" means an occurrence or imminent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, blizzard, wave action, volcanic activity, epidemic, rioting, war, terrorist attack, air contamination, blight, drought, infestation, explosion, radiological accident, water contamination, bridge failure or bridge collapse.
 - b. "Chief executive" as that term is referred to in Article 2-B of the Executive Law, General Municipal Law Sections 209-f and 209-m and throughout this Local Law shall mean the Chairperson of the Board of Legislators or in the event he or she is absent from the County or unable to discharge the duties of his or her office, his or her successor as provided in this Local Law.

c. "County" means the County of Lewis, a municipal corporation duly organized and existing under the laws of the State of New York.

d. "Mutual aid" means the services of any elected or appointed municipal official, officer, or employee of any municipality located within the County or any county other than Lewis County.

Section 4:

a. Executive Orders. The Chief Executive, in consultation with the Emergency Management Director ("EMD"), the County Sheriff, Public Health Director and the County Attorney, may issue such executive orders as may be deemed appropriate from time to time in order to adopt and implement the Disaster Preparedness Plan, as prepared and/or amended by the EMD. Such executive orders shall continue in full force and effect until amended or rescinded, but in no event shall such executive orders continue in effect beyond the elected term of the Chief Executive.

b. Declaration of Local State of Emergency. In the event of a disaster or the reasonable apprehension of the immediate danger of such a disaster occurring within the territorial limits of the County, and upon a finding by the Chief Executive that the public safety is imperiled thereby, the Chief Executive may declare a local state of emergency within all or any portion of the territorial limits of the County.

c. Local Emergency Orders. (1) Following such proclamation and during the continuance of such local state of emergency, the chief executive may promulgate local emergency orders to protect life and property or to bring the emergency situation under control. By way of illustration and not by way of limitation or exclusion, such orders may, within any part or all of the territorial limits of the County, provide for:

(i) the establishment of a curfew and the prohibition and control of pedestrian and vehicular traffic, except essential emergency vehicles and personnel;

(ii) the designation of specific zones within which the occupancy and use of buildings and the ingress and egress of vehicles and persons may be prohibited or regulated;

(iii) the regulation and closing of places of amusement and assembly;

(iv) the suspension or limitation of the sale, dispensing, use or transportation of alcoholic beverages, firearms, explosives, and flammable materials and liquids;

(v) the prohibition and control of the presence of persons on public streets and places;

(vi) the establishment or designation of emergency shelters and/or emergency medical shelters;

(vii) the suspension within any part of the County of any County local law, ordinance or regulation, or parts thereof subject to federal and state constitutional limitations, which may prevent, hinder, or delay necessary action in coping with a disaster or recovery therefrom, provided that either (a) the Chief Executive has requested aid from the governor pursuant to Executive Law § 24[7], or (b) the governor has declared a state disaster emergency pursuant to Executive Law § 28 and provided that the conditions set forth in Executive Law § 24[1](g) are followed;

(viii) the construction or reconstruction of infrastructure(s) necessary for the public health, welfare or benefit;

(viii) such other or further directives or orders as may be authorized under State law or as may be delegated by the County Board of Legislators.

b. Local Emergency Orders shall be effective from the time and the manner prescribed in the order and may be amended, modified or rescinded at any time during the pendency or existence of the state of emergency. Such orders shall cease to be in effect five days after promulgation or upon declaration by the Chief Executive that the state of emergency no longer exists, whichever occurs sooner. The Chief Executive nevertheless, may extend such orders for additional periods not to exceed five days each during the pendency of the local state of emergency.

Section 5. Coordination of Assistance: In the event of a local state of emergency, and consistent with any Disaster Preparedness Plan in effect for the County, the Chief Executive shall coordinate responses for requests for assistance from any town supervisor or acting supervisor or any mayor or acting mayor of any village within the County. In coordinating such responses, the Chief Executive shall utilize and rely upon existing lines of authority.

Section 6. Requests for Mutual Aid. a. Whenever the Chief Executive deems that the public interest requires it (whether or not a local state of emergency has been declared) and subject to: (i) the terms of any municipal cooperation agreements that may be in effect, (ii) any applicable State or local law, and (iii) the Disaster Preparedness Plan in effect for the County, the Chief Executive may request mutual aid, including without limitation, personnel, equipment and supplies and/or fire or police aid, from any town supervisor or acting supervisor or village mayor or acting village mayor within the County or the chief executive of any other county.

b. The County shall indemnify and hold harmless any person rendering such aid in response to such request from any loss, damage, claim or expense

(including reasonable attorney fees) resulting from injury to person or property arising out of his or her duties in rendering such aid to the County. The County shall reimburse the assisting local government for moneys paid by it for salaries including fringe benefits, or for other expenses incurred by such local government including damage or loss of equipment and supplies. The County shall reimburse the assisting local government for all expenses incurred by such local government in rendering aid to the County, including without limitation, salaries, including fringe benefits for employees and damage or loss of equipment and supplies.

c. Any municipal official, officer or employee, while engaged in duty and performing services on behalf of the County shall have the same powers, duties, rights, benefits, privileges and immunities as if they were performing their duties in the local government in and by which they are normally employed.

d. Nothing within this Local Law shall be construed to limit any power or authority to request mutual aid heretofore granted to any other appointed or elected official of any municipality, police agency, or fire department by applicable State or local law or otherwise.

Section 7. Continuity of County Government: In the event of a disaster or threatened disaster, the following order of succession shall apply until such time as the disaster or threat of disaster has terminated as declared by the Chief Executive or by the governor:

a. In the event that the Chairperson of the Board of Legislators is unable to discharge his or her duties or is absent from the County, then the vice-chairperson shall act in his or her stead. In the event that the vice-chairperson is unable to discharge his or her duties or is absent from the County, then the County Clerk shall act in his or her stead.

b. In the event that any other elected or appointed official is unable to discharge his or her duties or is absent from the County, then their duly appointed deputies shall act in their stead. In the event that a deputy has not been appointed, the Chief Executive may appoint a temporary deputy to discharge such duties for the duration of the emergency or until the Chief Executive relieves them of their appointment. This sub-paragraph shall not apply to County legislators.

Section 8. Filing and Publication: a. A copy of this Local Law, as the same may be amended from time to time, together with any executive orders issued hereunder, shall, in addition to any other filing required by law, be maintained with the Disaster Preparedness Plan.

b. A copy of any local emergency order issued by the Chief Executive, including any amendments, modifications or rescissions thereto, shall as soon as practicable be published in a newspaper of general circulation in the

affected locality and be transmitted to radio and television media for immediate publication and broadcast.

c. Local emergency orders shall be executed in triplicate and shall be filed within seventy-two (72) hours or as soon thereafter as practicable with the Clerk of the Board of Legislators, the County Clerk and the Secretary of State.

Section 9. This Local Law shall become effective upon filing with the Secretary of State.

(Complete the Certification in the Paragraph that applies to the filing of this Local Law and strike out that which is not applicable).

1. (Final Adoption by Local Legislative Body Only.)

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 4 of 2004, of the County of Lewis was duly passed by the Lewis County Board of Legislators on August 3, 2004, in accordance with the applicable provisions of law.

~~**2. (Passage by Local Legislative Body with Approval, No Disapproval or Repassage After Disapproval by the Elective Chief Executive Officer*):**~~

Hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20__, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20__, and was approved, not disapproved, repassed after disapproval, by the _____, and was deemed duly adopted on _____, 20__, in accordance with the applicable provisions of law.

~~**3. (Final Adoption by Referendum.)**~~

Hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20__, of the County, City, Town, Village of _____ was duly passed by the _____ on _____, 20__, and was approved, not disapproved, repassed after disapproval, by the _____ on _____, 20__. Such Local Law was submitted to the people by reason of a mandatory/permissive referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general/special/annual election held on _____, 20__, in accordance with the applicable provisions of law.

~~**4. (Subject to a Permissive Referendum and Final Adoption Because No Valid Petition was Filed Requesting Referendum.)**~~

Hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ on _____, 20__. Such Local Law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 20__, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis, or if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto Local Laws or Ordinances.

5. ~~(City Local Law Concerning Charter Revision Proposed by Petition.)~~

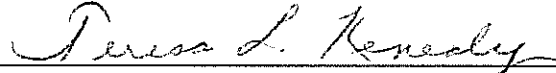
Hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20__, of the City of _____ having been submitted to referendum pursuant to the provisions of Section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special/general election held on _____, 20__, became operative.

6. ~~(County Local Law Concerning Adoption of Charter.)~~

Hereby certify that the Local Law annexed hereto, designated as Local Law No. _____ of 20__, of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 20__, pursuant to the subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification).

I further certify that I have compared the preceding Local Law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original Local Law, and was finally adopted in the manner indicated in Paragraph 1, above.



Clerk of the County Legislative Body, City, Town or Village
Clerk or officer designated by local legislative body
TERESA L. KENEALY, CLERK

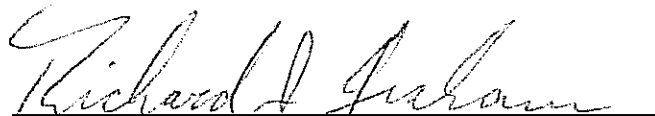
Date: August 6, 2004

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF LEWIS

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.



Signature – RICHARD J. GRAHAM, ESQ.
LEWIS COUNTY ATTORNEY
(Title)

County of Lewis
Date: August 6, 2004