

ORDINANCE 2012-21

AN ORDINANCE AMENDING SECTIONS 1-12-3, 6-19-1, 6-19-2, 6-19-3, AND 6-19-4 OF THE TOOELE COUNTY CODE, MAKING TECHNICAL CORRECTIONS RESULTING FROM THE TRANSFER OF EMERGENCY MANAGEMENT FUNCTIONS TO THE HEALTH DEPARTMENT

WHEREAS, the Emergency Management Department has been eliminated as a County Department and its functions have been transferred to the Tooele County Health Department; and

WHEREAS, the Tooele County Code needs to be updated to properly reflect this change.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - SECTION AMENDED. Section 1-12-3, *Local emergency proclamation - Emergency interim successor*, of the Tooele County Code is hereby amended to read as follows:

1-12-3. Local emergency proclamation - Emergency interim successor.

(1) If the Chairman of the County Commission is not physically present at the place of governance during a disaster or potential disaster, or is not able to be communicated with via telephone, radio, or telecommunications immediately pursuant to an official attempt to communicate with him or her for the purpose of considering or making a local emergency proclamation, then the following County officers or employees shall be contacted pursuant to an official attempt to communicate with them in the order listed below and the first person so contacted shall have the power and duty to proclaim a "local emergency" when the circumstances warrant such a proclamation.

(a) County Commissioner A. Commissioner A is the non-chairman Commissioner whose first letter in his or her last name, alphabetically precedes the first letter in the other County Commissioner's last name. (The other Commissioner is hereby designated Commissioner B).

(b) Commissioner B

(c) Sheriff

(d) County Attorney

(e) Executive Director of the Health Department

(2) If the foregoing officers or employees are unavailable, then the emergency succession procedures specified in Section 1-12-4 shall apply for the purpose of designating a County Commissioner successor, which successor shall then have authority to issue an emergency proclamation. The successor designated by this section shall only have authority to issue an emergency proclamation.

SECTION II - SECTION AMENDED. Section 6-19-1, *Definitions*, of the Tooele County Code is hereby amended to read as follows:

6-19-1. Definitions.

As used in this chapter:

- (1) "LEPC" means the Tooele County Local Emergency Planning Committee, as authorized by 42 USCS 11001 and Utah Code Annotated Section 63-5-5(5).
- (2) "EPCRA" means the Federal Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 11001 through 11050.

SECTION III - SECTION AMENDED. Section 6-19-2, *Committee created*, of the Tooele County Code is hereby amended to read as follows:

6-19-2. Committee created.

Tooele County hereby authorizes and establishes as set forth in this chapter a Tooele County Local Emergency Planning Committee. The LEPC, through the Tooele County Health Department, Division of Emergency Management, is hereby authorized to enforce the provisions of this chapter.

SECTION IV - SECTION RENAMED AND AMENDED. Section 6-19-3, *Haz-mat coordinator*, of the Tooele County Code is renamed *Emergency Management Director* and hereby amended to read as follows:

6-19-3. Emergency Management Director.

The Emergency Management Director shall or designee may, upon resolution of the LEPC, act as the LEPC's agent for the enforcement, management, and administration of the LEPC's duties set forth under EPCRA.

SECTION V - SECTION AMENDED. Section 6-19-4, *Emergency Planning and Community Right-to-Know Act*, of the Tooele County Code is hereby amended to read as follows:

6-19-4. Emergency Planning and Community Right-to-Know Act.

- (1) The requirements of EPCRA shall be the law of Tooele County and shall apply equally to federal, state, county, or local governmental agencies, departments, installations, and facilities located in this county, as well as to other facilities that are subject to the provisions of EPCRA.
- (2) The provisions of EPCRA are hereby deemed rules and regulations of the Tooele County Health Department, Division of Emergency Management and the

fire department governing the operation of the business holding a license or permit pursuant to Tooele County ordinances.

(3) An owner or operator of a covered facility under the provisions of EPCRA who violates such provisions, shall be subject to a civil administrative fine not to exceed \$1,000 per violation. The LEPC shall establish the fine based on the severity of the violation, the duration of the violation, the alleged violator's history of non-compliance, the economic benefit of non-compliance, the LEPC's or the county's investigative costs, and the cooperation of the owner or operator in remedying the alleged violation.

SECTION VI - REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

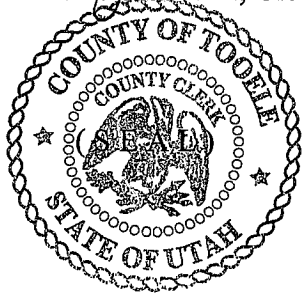
SECTION VII - EFFECTIVE DATE. This ordinance shall take effect fifteen (15) days after its passage, provided the same has been published, with the name of the members voting for and against the same, for at least one publication in one issue of a newspaper published in and having general circulation in Tooele County.

IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 16th day of October 2012.

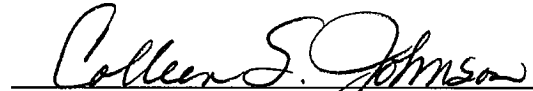
Ord. 2012-21

ATTEST:


MARILYN K. GILLETTE, Clerk




TOOELE COUNTY COMMISSION:


COLLEEN S. JOHNSON, Chairman

Commissioner Johnson voted aye
Commissioner Clegg voted aye
Commissioner Hurst voted aye

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

1-12-3. Local emergency proclamation - Emergency interim successor.

(1) If the Chairman of the County Commission is not physically present at the place of governance during a disaster or potential disaster, or is not able to be communicated with via telephone, radio, or telecommunications immediately pursuant to an official attempt to communicate with him or her for the purpose of considering or making a local emergency proclamation, then the following County officers or employees shall be contacted pursuant to an official attempt to communicate with them in the order listed below and the first person so contacted shall have the power and duty to proclaim a "local emergency" when the circumstances warrant such a proclamation.

(a) County Commissioner A. Commissioner A is the non-chairman Commissioner whose first letter in his or her last name, alphabetically precedes the first letter in the other County Commissioner's last name. (The other Commissioner is hereby designated Commissioner B).

(b) Commissioner B;

(c) Sheriff

(d) County Attorney

(e) Executive Director of the County Emergency Management Health Department:

(2) If the foregoing officers or employees are unavailable, then the emergency succession procedures specified in Section 1-12-4 shall apply for the purpose of designating a County Commissioner successor, which successor shall then have authority to issue an emergency proclamation. The successor designated by this section shall only have authority to issue an emergency proclamation.

6-19-1. Definitions.

As used in this chapter:

(1) "LEPC" means the Tooele County ~~Haz-Mat~~ Local Emergency Planning Committee, as authorized by 42 USCS 11001 and Utah Code Annotated Section 63-5-5(5).

(2) "EPCRA" means the Federal Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 11001 through 11050.

6-19-2. Committee created.

Tooele County hereby authorizes and establishes as set forth in this chapter a Tooele County ~~Hazardous Materials~~, Local Emergency Planning Committee. The LEPC, through the Tooele County ~~Sheriff's Office~~ Health Department, Division of ~~Hazardous Materials~~ Emergency Management, is hereby authorized to enforce the provisions of this chapter.

6-19-3. ~~Haz-mat coordinator~~ Emergency Management Director.

The ~~hazardous materials coordinator~~ Emergency Management Director shall or designee may, upon resolution of the LEPC, act as the LEPC's agent for the enforcement, management, and administration of the LEPC's duties set forth under EPCRA.

6-19-4. Emergency Planning and Community Right-to-Know Act.

(1) The requirements of EPCRA shall be the law of Tooele County and shall apply equally to federal, state, county, or local governmental agencies, departments, installations, and facilities located in this county, as well as to other facilities that are subject to the provisions of EPCRA.

(2) The provisions of EPCRA are hereby deemed rules and regulations of the ~~Sheriff's Office's Hazardous Materials Division~~ Tooele County Health Department, Division of Emergency Management and the fire department governing the operation of the business holding a license or permit pursuant to Tooele County ordinances.

(3) An owner or operator of a covered facility under the provisions of EPCRA who violates such provisions, shall be subject to a civil administrative fine not to exceed \$1,000 per violation. The LEPC shall establish the fine based on the severity of the violation, the duration of the violation, the alleged violator's history of non-compliance, the economic benefit of non-compliance, the LEPC's or the county's investigative costs, and the cooperation of the owner or operator in remedying the alleged violation.